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JOURNAL
OF THE
INDIANA STATE SENATE,
DURING THE
CALLED SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCING MONDAY, NOVEMBER 13, 1865.

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JOURNAL

OF THE

SENATE OF INDIANA.

CALLED SESSION.

MONDAY, NOVEMBER 13, 1865.

The Senate met at 2 o'clock, P. M., in their Chamber, in pursuance of the following Proclamation of His Excellency, the Governor:

EXECUTIVE DEPARTMENT OF INDIANA.

WHEREAS, The Constitution of the State of Indiana empowers the Governor thereof, whenever, in his opinion, the public welfare shall require it, to convene the General Assembly in Special Session:

Therefore, I, OLIVER P. MORTON, Governor, do hereby convene the General Assembly of said State, and require the members thereof to meet in their respective Halls in the State House, in the City of Indianapolis, at 2 o'clock, P. M., on Monday, the 13th day of November, 1865.

Done at Indianapolis, this 13th day of September, A.
[SEAL.] D., 1865.

By the Governor,

O. P. MORTON.

Attest:

NELSON TRUSLER, *Secretary of State.*

Lieutenant Governor BAKER called the Senate to order, and directed the Secretary to call the roll.

The roll was then called, and the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Douglas, Dunning, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

The Hon. Thomas Reagan, elected to fill the unexpired term of Milton Peden, late Senator from Henry county, appeared, presented his credentials, and was sworn in by the President.

Mr. Cason offered the following resolution :

Resolved, That the Senate do now proceed to elect by ballot a Secretary, Assistant Secretary, and Doorkeeper of the Senate, these offices being hereby declared vacant, and that the election proceed in the order named.

On motion by Mr. Cason,

His resolution was made the special order for to-morrow morning at 9 o'clock.

The following message from the House was presented by the Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has organized under the Proclamation of the Governor, and is now ready to proceed with the legitimate business of the session.

Mr. Bennett offered the following resolution :

Resolved, That the President of the Senate appoint a committee of three Senators whose duty it shall be to confirm the employment of all assistants to the officers of the Senate, and that no person shall

be allowed to draw pay for services as such assistant, unless his employment is authorized by such committee.

Mr. Vawter moved to amend as follows :

Strike out from the resolving clause, and insert in lieu thereof :
 “ That the Senate will elect a Principal Secretary, whose salary for this session shall be one thousand dollars ; and one Assistant Secretary, whose salary for this session shall be one thousand dollars ; and one Doorkeeper, whose salary for this session shall be one thousand dollars, and that no allowance whatever shall be made for assistants to either of said officers.

Mr. Cullen moved to lay the amendment on the table.

The yeas and nays being demanded by Messrs. Vawter and Douglas,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Culver, Dunning, Fuller, Hyatt, Milliken, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—22.

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Cobb, Corbin, Douglas, English, Finch, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—20.

So the resolution was laid on the table.

On motion by Mr. Brown of Wells,

The further consideration of the subject was postponed until two o'clock to-morrow afternoon.

Mr. Dunning offered the following :

Resolved, That the House of Representatives be informed that the Senate is ready to receive any communication that His Excellency, the Governor, may wish to make to the two Houses, and that a committee of two be appointed to wait upon His Excellency.

Which was adopted by consent, and Messrs. Dunning and Wright were appointed as said committee.

Mr. Williams offered the following, which was adopted:

Resolved, That all Senators having selected seats at the last session of the General Assembly are entitled to retain them, if they should so desire, during the present session.

Mr. Vawter asked and obtained leave of absence for two or three days.

Mr. Cullen asked and obtained leave of absence for Mr. Downey until the latter part of the week.

Mr. Cullen offered the following:

Resolved, That the present acting Doorkeeper be authorized to procure, for the use of Senators, three copies each of the Indianapolis Daily Herald, Indiana State Journal, Evening Gazette, Daily Telegraph and Volksblatt; two copies of each to be wrapped and stamped and ready for mailing.

Mr. Bennett moved to amend, by way of substitute, as follows:

Resolved, That the Doorkeeper be authorized to contract with the publishers of the "Indianapolis Journal" and the "Indianapolis Herald" for one hundred and sixty-five copies each, of their Daily papers, for the use of the Senate during the present session, and that two-thirds of the copies of each of said papers be folded and stamped ready for mailing: *Provided*, Such papers are furnished at the prices paid by regular subscribers: *And provided further*, That the said contract may at any time be rescinded by the Senate in case said papers do not publish the full proceedings of this session of the Legislature. Said copies of such papers to be distributed by the Doorkeeper as follows: To the President of the Senate, three copies of each; to each Senator and elected officer of the Senate, three of each: and that the Doorkeeper furnish the Chairman of the Committee on Finance a copy or statement of such contract.

Mr. Cullen moved to lay the amendment on the table.

The yeas and nays being demanded by Messrs. Cullen and Bennett,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cullen, Culver, Dunning, Finch, Gifford, Hanna, Hord,

Marshall, McClurg, Mason, Newlin, Oyler, Reagan, Staggs, Terry, Thompson, Vawter, Ward and Wright—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bradley, Cobb, Corbin, Douglas, English, Fuller, Jinkens, Milliken, Moore, Van Buskirk, Williams and Wood—15.

So the amendment lies on the table.

Mr. Brown of Wells, offered the following as a substitute :

Resolved, That the Doorkeeper of the last session be authorized to contract with the publishers of the following papers: Daily Journal, Herald, and Telegraph for three copies of each for each member and elective officer of the Senate, two of said copies wrapped and stamped for mailing; also, two copies of the Volksblatt (wrapped and stamped for mailing) for each member and elective officer of the Senate, said contract to be rescinded at pleasure.

Mr. Cullen moved to lay the substitute on the table.

The yeas and nays having been demanded by Messrs. Corbin and Vawter, they were ordered, and, being taken, resulted as follows :

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Brown of Hamilton, Cason, Cullen, Culver, Dunning, Finch, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Vawter and Ward—22.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bradley, Brown of Wells, Cobb, Corbin, Douglas, English, Fuller, Gifford, Marshall, Milliken, Moore, Newlin, Staggs, Van Buskirk, Williams, Woods and Wright—20.

So the substitute lies on the table.

Mr. Bennett moved to strike out of the original resolution the name of every newspaper except the "Herald" and "Journal."

The yeas and nays being demanded by Messrs. Thompson and Brown of Wells,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Wells, Cobb, Corbin, English, Finch, Fuller, Hyatt, Jinkens, Milliken, Moore, Noyes, Reagan, Richmond, Staggs, Terry, Van Buskirk, Vawter, Williams and Woods—24.

Those who voted in the negative were,

Messrs. Barker, Brown of Hamilton, Cason, Cullen, Culver, Douglas, Gifford, Hanna, Hord, Marshall, Mason, McClurg, Newlin, Oyler, Thompson and Ward—16.

So the amendment was adopted.

Mr. Cullen moved to postpone the further consideration of the subject until Wednesday at 3 o'clock.

Mr. Bennett moved to lay the motion to postpone on the table.

The yeas and nays being demanded by Messrs. Cullen and Thompson,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Cason, Cobb, Corbin, Culver, Dunning, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, Mason, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Van Buskirk, Williams, Woods and Wright—33.

Those who voted in the negative were,

Messrs. Brown of Hamilton, Brown of Wells, Cullen, Douglas, Hanna, Hord, Thompson and Ward—8.

So the motion lies on the table.

The question then recurring on the adoption of the resolution as amended,

The yeas and nays being demanded by Messrs. Thompson and Cullen.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bradley, Brown of Wells, Cason, Cobb, Corbin, Douglas, Finch, Fuller, Gifford, Hord, Hyatt, McClurg, Mason, Milliken, Moore, Oyler, Reagan, Richmond, Staggs, Terry, Van Buskirk, Ward and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brown of Hamilton, Cullen, Culver, Dunning, English, Hanna, Jinkens, Marshall, Newlin, Noyes, Thompson, Williams and Woods—15.

So the resolution was adopted.

The following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate, calling for a joint committee to wait upon His Excellency, the Governor, and inform him of the organization of the General Assembly, and that the Speaker has appointed Messrs. Henricks, Brown and Stringer such committee on the part of the House.

Mr. Dunning submitted the following report :

MR. PRESIDENT :

The committee appointed to wait upon the Governor, and learn when it will suit his convenience to deliver his Message to the General Assembly, would beg leave to report that they, with a like committee on the part of the House, have conferred with His Excellency, and that he has designated to-morrow morning, at 10 o'clock, as the hour when he will deliver the same.

The following message was received from the House of Representatives :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit :

Resolved, That a committee of three, on the part of the House of Representatives, be appointed to act with a like committee on the part of the Senate, to invite some regular Minister of the Gospel to attend and open with prayer the session of the Legislature, immediately preceding the delivery of the Governor's Message, and that Messrs. Stuart, Church and Ferris was appointed such committee on the part of the House.

On motion by Mr. Van Buskirk,

This message was taken up, the House resolution concurred in, and a similar committee authorized and appointed on the part of the Senate, viz.: Messrs. Van Buskirk, Cobb and Beeson.

Mr. Mason offered the following :

Resolved, That a committee of three Senators be appointed by the President of the Senate to consider and propose the best and cheapest plan to supply the members of this Senate with stationery during this session.

Mr. Bennett offered the following by way of substitute :

Resolved, That the President of the Senate, for his own use; that each Senator, for his own use; that each elected officer of the Senate, for his own use, and that of his appointees; and that each Chairman of a committee, for the use of his committee, be, and are hereby, authorized to procure from the State Librarian such stationery as they may severally desire, not exceeding in value the sum of _____ dollars each, for the entire session, upon their own order; that for the use of the Senate, the Principal Secretary of the Senate shall procure from the State Librarian, upon his order, approved by the President of the Senate, such stationery as may be needed to transact the business of the session. And the said Librarian shall keep a strict account of all stationery for such purposes by him purchased, and to whom issued; and three days before the close of the present session he shall report to the Senate the amount purchased, from whom, and at what price, and, also, a list of persons to whom issued, and the amount in value drawn by each; and for the purpose of keeping such account he may employ a Clerk.

Mr. Thompson moved to fill the blank with "fifty cents."

Mr. Cullen moved to fill the blank with "twenty-five dollars."

Mr. Van Buskirk moved to fill the blank with "fifteen dollars."

On motion by Mr. Brown of Wells,

The resolution and pending amendments were referred to a select committee of three, with instructions to report thereon to-morrow.

The Lieutenant Governor makes the committee to consist of Messrs. Brown of Wells, Mason and Oyler.

On motion by Mr. Woods,

The Senate adjourned till to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
November 14, 1865. }

The Senate met according to adjournment, and the journal of yesterday was read and approved.

Mr. Hanna submitted the following :

INDIANAPOLIS, INDIANA, }
November 14, 1865. }

HON. CONRAD BAKER,

President State Senate :

SIR:—I hereby resign the position of Principal Secretary of the Senate, to which I was elected at the last regular session of the General Assembly.

Very respectfully,

A. T. WHITTLESEY.

Whereupon, by consent, the Senate accepted said resignation.

Mr. Cobb submitted the following :

INDIANAPOLIS, INDIANA,
November 14, 1865. }

HON. CONRAD BAKER,

President of the Senate :

I hereby resign my position as Assistant Secretary of the Senate.

Very respectfully,

JACOB S. BROADWELL.

There being no objection, the resignation was accepted by consent.

On motion of Mr. Cullen,

The special order, being the resolution offered yesterday, by Mr. Cason, to go into the election of officers of the Senate, was taken up.

Mr. Brown, of Wells, offered the following substitute :

Resolved, That without intending to establish any precedent for the organization of the Senate for special sessions, a committee of three Republicans and three Democrats, be appointed as a Committee of Conference, to select officers for the organization of the Senate at the present session.

Mr. Terry moved to lay the substitute on the table.

The ayes and noes being demanded by Messrs. Brown, of Wells, and Cason,

These who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward and Wright—23.

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, McClurg, Mason, Moore, Newlin, Staggs, and Williams.—20

So the substitute was laid on the table.

Mr. Brown, of Wells, offered the following by way of substitute :

WHEREAS, The Senate is equally divided as to political parties,
Therefore,

Resolved, That the election of officers, and appointments, be equally distributed between the two parties, so far as the same may be practicable.

Mr. Bonham moved to lay it on the table.

The ayes and noes being demanded by Messrs. Hanna and Newlin

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, and Wright—24

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, McClurg, Mason, Moore, Newlin, Staggs, and Williams—20.

So the substitute was laid on the table.

Mr. Brown, of Wells, offered the following :

WHEREAS, There is not a full Senate this morning, therefore

Resolved, That the organization of the Senate be postponed until to-morrow morning.

Mr. Cullen moved to lay it on the table.

Messrs. Cullen and Brown demanded the Ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hord, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, and Wright—24.

Those who voted in the negative were,

Messrs. Barker, Bradley, Brown of Wells, Carson Cobb, Corbin Douglas, English, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, and Williams—20.

So the motion to postpone lies on the table.

Mr. Dunning moved to go into the election of officers,
Which was agreed to.

Nominations being in order,

Mr. Dunning nominated O. M. Wilson, of Marion county, for Principal Secretary of the Senate.

Mr. Hord nominated Beatty McClelland, of Bartholomew county.

There being no further nominations, the roll was called with the following result :

Those who voted for Mr. Wilson were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

Those who voted for Mr. McClelland were,

Messrs. Barker, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Williams—21.

Mr. Wilson was declared duly elected, and, on motion by Mr. Dunning, he was sworn into office by the President of the Senate.

Nominations for Assistant Secretary being next in order,

Mr. Bennett nominated Azil P. Newkirk, of Marion county.

Mr. Hanna nominated John Dowling, of Vigo county.

There being no further nominations, the roll was called, with the following result :

Those who voted for Mr. Newkirk, were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyat, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

Those who voted for Mr. Dowling, were,

Messrs. Barker, Bradley, Brown, of Wells, Cason, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Williams—21.

The President declared Mr. Newkirk duly elected, and he was accordingly sworn faithfully to discharge the duties of his office.

Nominations for Doorkeeper being next in order—

Mr. Cullen nominated S. G. Thomson, of Wabash county.

Mr. Mason nominated Jonathan Dunbar, of Hancock county.

There being no further nominations, roll was called, with the following result:

Those who voted for Mr. Thompson, were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

Those who voted for Mr. Dunbar were,

Messrs. Barker, Bradley, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Williams—21.

The President declared Mr. Thompson duly elected Doorkeeper of the Senate.

Mr. Thompson then appeared, was duly sworn into office, and entered upon the discharge of his duties.

A message from the House of Representatives, by Mr. Nixon, their principal Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to invite the Senate to attend, forthwith, in the hall of the House, where seats have been prepared for them, to hear the Message of His Excellency, the Governor.

On motion by Mr. Brown, of Wells,

The Senate accepted the invitation of the House, and thereupon Senators repaired to the House of Representatives, and took seats upon the right of the Speaker's desk.

The President of the Senate thereupon called the Joint Session to order, when the same was opened with prayer by the Rev. Mr. Holliday, when

Governor Oliver P. Morton delivered the following Message :

Gentlemen of the Senate and House of Representatives :

The Constitution provides that, if in the opinion of the Governor the public welfare shall require it, he may at any time, by proclamation, call a special session of the General Assembly. The provision of the organic law of the State rendering the regular sessions of the Legislature biennial, and limiting them to the term of sixty-one days, the condition of parties in this State during the last four years, and the public excitement incident to a state of war, unfitting, as it did, to some extent, the minds of men for the calm consideration of subjects of ordinary legislation, have all contributed to prevent the adoption of legislative measures which the progress of the State and the welfare of the people would seem to demand.

At the last session of the General Assembly many important bills were introduced, but failed in the different stages of their progress for want of time to perfect and pass them. That the time spent on these unperfected measures might not be lost to the public, an act was passed providing that the business of any regular or special session of the General Assembly, on the calender or files of either House, and remaining unfinished at the expiration of such session, shall, at the next succeeding special session of the same General Assembly, be transferred to the calendar of the House in which it was pending,

In the same order in which such business stood at the termination of such regular or special session, and shall be taken up and disposed of in the same manner it might have been taken up and disposed of at such preceding regular or special session. The considerations before mentioned, the fact that the unfinished business of the last session, upon which much intelligent labor had been bestowed, could only be saved by re-convening the General Assembly in special session, and the belief that measures of vital importance demanded legislative action before the time fixed for the next regular session, have caused me to issue the proclamation, in pursuance of which you are now assembled.

THE PUBLIC DEBT.

The amount of the public debt of the State, consisting of two and a-half and five per cent. registered stocks, is seven million four hundred and eighteen thousand nine hundred and sixty dollars and fifty cents, (\$7,418,960 50). Of this amount the sum of five millions three hundred and forty-two thousand five hundred dollars (\$5,342,500) is five per cent., and the sum of two millions seventy-six thousand four hundred and sixty dollars and fifty cents (\$2,076,460 50) is two and a-half per cent. stock; that is, stocks upon which interest is paid at these rates.

Of these stocks the Board of Commissioners of the Sinking Fund have purchased and now hold the sum of four hundred and forty-six thousand six hundred and seventy-two dollars and sixty-seven cents (\$446,672 67) of the five per cents, and the sum of fifty-one thousand two hundred and seventy-two dollars and fifty cents (\$51,272 50) of the two and a-half per cents.

The State Debt Sinking Fund has purchased and now holds seven hundred and eighty-eight thousand and thirty-five dollars (\$788,035) of the five per cents, and ninety-six thousand nine hundred dollars (96,900) of the two and a-half per cents.

The aggregate amount of what the State holds, through these two funds, is one million two hundred and thirty-four thousand seven hundred and seven dollars and sixty-seven cents (\$1,234,707 67) of the five per cent. stocks, and one hundred and forty-eight thousand one hundred and seventy-two dollars and fifty cents (\$148,172 50) of the two and a-half per cents; in all, one million three hundred and eighty-two thousand eight hundred and eighty dollars and seventeen cents, (\$1,382,880 17), leaving outstanding in the hands of the creditors of the State the amount of six millions thirty-six thousand and

eighty dollars and thirty-three cents, (\$6,036,080 33,) of which four millions one hundred and seven thousand seven hundred and ninety-two dollars and thirty-three cents (\$4,107,792 33) are five per cents, and one million nine hundred and twenty-eight thousand two hundred and eighty-eight dollars (\$1,928,288) are two and a-half per cents.

The face of the stock, or the certificates of indebtedness, provide that "this stock is redeemable at any time after twenty years from the 19th day of January, 1846, at the pleasure of the State; and until redeemed is transferable upon surrender in the city of New York, in books provided for that purpose by the Agent of State, there resident, by endorsement thereon, and according to such other rules and forms as are or may be prescribed for that purpose. And for the payment of the interest and redemption of the principal aforesaid, the faith of the State of Indiana is irrevocably pledged."

The twenty years referred to will expire on the 19th day of January next, and the question first to be considered is whether these stocks fall due at that time, and whether the contract made by the State requires that payment shall be made on that day. By some it has been urged that the words "at the pleasure of the State," are to be treated as surplusage, and the money held to fall due precisely at the end of the twenty years. In support of this view it is argued that because a State can not be compelled to pay her debts by legal process, the payment will in all cases be "at the pleasure of the State." I fail to perceive the force of this, and must hold that the language in question means just what it says, that the State may consult her own convenience as to the time of making payment, unless there is something in the history of the transaction, out of which this form of indebtedness sprang, or something contained in the law creating it, which requires that a different construction should be put upon the language. The naked legal effect of the instrument, if not modified by history or provisions of the statute creating it, I take to be this: That until the end of the twenty years the State has no right to require the creditors to take their money, and thus stop the payment of the interest, but that the money was to be paid at some time after the end of the twenty years, according to the pleasure and convenience of the State. But this pleasure of the State must be reasonably exercised, so as not to defeat the payment of the principal sum absolutely. The construction I have heard contended for, that the State may defer the payment of the principal twenty-five, fifty, or one hundred years, or in fact forever, provided the interest is promptly paid, can not be maintained; for that would be to defeat the operation of the conclu-

ding sentence of the instrument, above quoted, which solemnly pledges the good faith of the State for the payment of the principal as well as the interest. This solemn pledge would be a nullity if the State was at liberty to defer the payment of the principal forever, or indefinitely, by the prompt payment of the interest.

The next question to be considered is, whether there is anything in the statutes creating this stock, or in the history of the whole transaction, showing the intention of the parties as to the time when the principal should be paid, or pointing to a period beyond which the State would have no right to defer its payment.

On the 1st of July, 1846, the State was indebted upon bonds issued and sold for purposes of internal improvement, in the sum of eleven millions and ninety thousand dollars, (\$11,090,000). On these bonds the interest had not been paid since 1841. The interest due and in arrears amounted to three millions fifty-five thousand four hundred and thirty dollars, (\$3,055,430).

These bonds were issued between the years 1832 and 1842, were of different denominations, and were to run for twenty-five and thirty years, and bore interest at the rate of five, six, and seven per centum per annum, payable semi-annually, for which there were coupons signed and attached to the bonds. The State finding herself unable to pay the interest on her indebtedness, accepted of a proposition made by her creditors, the details of which will be found embodied in the act of January, 1846, and the supplementary act of January, 1847, which, taken together, constitute what is generally known as the "Butler bill." By the compromise and settlement, as finally concluded in the supplemental act of 1847, the Wabash and Erie Canal, together with the lands which had been granted to the State to aid in its construction, were transferred, the canal in perpetuity, and the lands in fee simple, to certain trustees in trust for the bondholders, in absolute payment and discharge of one-half the principal and accrued interest of the debt, which half thenceforward and forever ceased to be a liability against the State or a charge upon her revenues. The bondholders, upon their part, agreed to make such additional subscriptions as might be necessary to complete the canal to Evansville, estimated at eight hundred thousand dollars, (\$800,000), which condition was complied with on their part, and the Canal so completed. For the other half of the debt, principal and interest, the State was to issue to the bondholders certificates of indebtedness or stock. Upon such stock, issued for the principal sum, the State was to pay interest at the rate of five per cent. per annum, semi-annually. The interest in

arrears from 1841 to 1847 was funded, and interest on the aggregate thus funded was calculated at the rate of two and a half per cent. per annum from January 1, 1847, to January 1, 1853, and added to it, and for the whole amount stocks were issued, bearing interest at the rate of two and a half per cent. per annum from the 1st day of January, 1853, payable semi-annually. The arrangement was a complicated one, involving many details which it is not necessary to give here, and I shall only present a very brief outline.

The act of 1846 was, in many important respects, modified and amended by the supplementary act of 1847, and the two together constitute the basis and consideration upon which the creditors released the State from all liability for one-half the principal and interest of the debt.

The first section of the act of 1846 concludes in these words :

“And provided further, That if the revenues of the State, up to the first day of January, 1853, to be derived from a property tax of twenty-five cents on every one hundred dollars of value, and a poll tax of seventy-five cents, shall not, by reason of the taxes being paid in six per centum treasury notes, or from other causes, be sufficient, after defraying the current expenses of the Government, to pay said rate of interest of two per centum, then and in that case, the State shall only be required to pay, up to said first day of January, 1853, such rate of interest as the par funds in her treasury, derived from the taxation aforesaid, shall enable her to do ; which shall be paid and distributed, pro rata, on the principal specified in such certificate of stock, and the deficit, with six per centum interest per annum from the time it became due, the State shall and will make up and pay to the holders of such certificates on or by the first day of January, 1853.”

It will be perceived that this section does not, in direct terms, make a levy of twenty-five cents on every one hundred dollars of value, and of seventy-five cents on each poll ; but it evidently proceeds upon the hypothesis that such a tax shall be levied and continued for a series of years. The act, of which this section is a part, was reported to the Legislature by the Hon. Henry Secrest, Chairman of a Special Joint Committee, to whom the subject had been referred. He accompanied the bill with a report from the Committee, from which I extract the following passage :

“By reference to the tables appended to the second proposition of Mr. Butler, it will be seen that, if the taxables in the State shall increase at the rate of \$6,000,000 a year in value, (which is a mod

erate estimate), a tax of twenty-five cents on the hundred dollars, and seventy-five cents poll, will afford the means of paying the State expenses, absorbing all the six per cent. treasury notes, and paying two per cent. interest upon the public debt up to the year 1853; and from and after that time paying the State expenses and two and a-half per cent. upon the entire funded debt of the State, including back interest and deficiencies of interest; and not only so, but that the proceeds of the same tax would, in addition, produce an annually increasing surplus, to be set apart for the absorption of the principal of the public debt; which surplus, for the single year 1860, would be about \$140,000."

From this it clearly appears to have been contemplated by the Committee that a continuing tax of twenty-five cents on every one hundred dollars, and seventy-five cents poll, was to be assessed for the payment of the principal and interest of the debt, and reference is made to certain tables which had been prepared by Mr. Butler, going to show what would be accomplished by such a tax, estimating the increase of the polls to be six thousand per year, and the increase of taxable property at six millions of dollars per year, and carrying the calculation as far down as 1860. Mr. Butler's calculation, however, turned out to be greatly erroneous, inasmuch as the ordinary expenses of the State Government were estimated too low, and the increase of taxable property from 1846 to 1864, averaged nearly twenty-one millions of dollars, instead of only six millions per annum. On the next day after the passage of this bill, and apparently in pursuance of its provisions, the Legislature passed an act making a general levy, for State purposes, of seventy-five cents poll, and twenty-five cents on each one hundred dollars' worth of property.

In the supplementary act of the next year, 1847, the following provision will be found contained in the fourteenth section:

"And whereas, doubts have been suggested on the part of some such last mentioned persons, (foreigners holding bonds), in respect of the matters hereinafter mentioned or referred to, which doubts may operate prejudicially to the operations contemplated by the said recited act, and it is therefore expedient that the same be removed; now, to demonstrate the good faith of the State of Indiana, and for the removal of all such doubts as aforesaid, and with the view to create general confidence in the arrangement made in the said recited act by the State for the liquidation of its debt:

"*Be it enacted*, That the tolls, revenues and profits, of the said Canal and its appurtenances, present and future, and the moneys to

arise and be collected by and from the sales of the land and premises contiguous thereto, and in the said act more particularly mentioned and described, and the *personal taxes* to be levied toward the payment of the said debt, as in the said act also mentioned, and the receipt and application thereof for that purpose, as in the same act is also provided, shall remain and be inviolate and in full force, and the payment of the principal moneys and interest on the certificates and stock intended to be created pursuant to the said act, and this act, and all certificates and evidences of the title thereof, respectively, shall be and continue effectual and inviolate by the means aforesaid, until the objects and purposes of the said act, and this present act, shall be fully accomplished."

The only taxes referred to in the act of 1846, were the seventy-five cents poll and the twenty-five cents on the one hundred dollars worth of property, and by this section the good faith of the State is solemnly pledged that the said taxes shall be maintained inviolate and in full force, and the proceeds thereof faithfully applied to the payment of the principal and interest of the stocks created in pursuance of the act of 1846. The substance of this pledge, and of the understanding entertained by the Legislature on the one hand, and the bondholders on the other, may be briefly stated as this: That a tax of seventy-five cents on each poll, and twenty-five cents on each one hundred dollars of property, should be continuously levied, and that, after defraying the ordinary expenses of the State Government, and paying the interest on the debt, the surplus proceeds should be applied to the liquidation of the principal sum.

The new Constitution, which was framed in 1850, three years after the passage of this act, contains the following provision:

Section 2, Article X.: "All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may at any time remain in the Treasury, derived from taxation for general State purposes after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt."

This provision evidently contemplates the speedy payment of the public debt, and the existence of an annual surplus to arise from general taxation for State purposes, and imperatively commands the *annual* application of such surplus to the liquidation of the public debt.

To show the views entertained by the committee who prepared the section, I will present in full the report by which it was accompanied when it was laid before the Convention :

“The Committee on State Debt and Public Works, to whom was referred sundry resolutions, directing them to inquire into the expediency of appropriating all the revenues derived from the sale of any of the public works belonging to the State, and from the net income thereof, and also any surplus that may at any time remain in the treasury derived from taxation for general State purposes, after the payment of the ordinary expenditures, have had the same under consideration, and having come to the conclusion that the entire debt of the State will be paid within fifteen years, by a continuation of the rate of taxation prescribed by law, have directed me to report the accompanying section, to be engrafted in the new Constitution, and ask to be discharged from the further consideration of the subjects embraced in said resolutions.”

This report was submitted by Judge Hall, of Gibson county, one of the most eminent lawyers in the State, and is so explicit in regard to the understanding of the committee that the tax was to be continued, and that it would pay the debt by 1865, that it leaves no room to doubt as to the purpose for which the constitutional provision was introduced.

Afterwards, on the 25th day of January, 1851, this provision came up in the Convention for consideration, when Mr. Howe, of Lagrange, offered to amend by adding the following clause, not as a substitute, but additional :

“That a specific tax of fifty thousand dollars, with an annual increase of five per cent., be levied for twenty-five years, and expended each year in the purchase of our State bonds, unless the State debt is sooner paid off.”

In support of his amendment he used the following language :

“It is very probable that the present rate and method of taxation guaranteed in what is commonly called the Butler Bill, will be observed; but even if that taxation affords a fund for the payment of the debt, this will enable us to pay it off sooner. Besides our public debt was contracted chiefly for the benefit of property, and property should pay it.

Mr. Borden then said :

“I desire to make an inquiry of my friend from Gibson (Mr. Hall), whether the section now under consideration provides that any overplus of the taxes arising from the imposition of twenty-five cents

tax on the hundred dollars valuation, shall be applied to the definite object of liquidating the principal of our outstanding State debt after the payment of the interest on the debt?"

In answer to this question, Judge Hall said :

"The arrangement, and only arrangement, with our bondholders, was under the acts of 1846 and 1847, by which twenty-five cents on every hundred dollars worth of taxable property, and seventy-five cents poll tax, were pledged for the payment of the principal and interest of the public debt until it shall be entirely paid. According to a calculation made, if this system of taxation shall be continued, in eighteen years the entire public debt will be paid off. The committee of which I am chairman, having charge of the subject, believing that there was a propriety in placing it beyond the power of the Legislature to violate the pledged faith of the State, instructed me to introduce a section providing that the twenty-five cents on each one hundred dollars of taxable property, and seventy-five cents poll tax, should be annually assessed until the debt was paid. This section was laid upon the table, and, I think, inconsiderately. I think the matter should be placed beyond the power of change by the Legislature."

Mr. Borden then replied as follows :

"Sir, on a previous occasion, I desired that this should be done; because I know that this is the wish of the people I have been sent here to represent. They do not want the subject to be left with the Legislature. They are willing to carry out in good faith the arrangement made with the bondholders of the State, and to pay twenty-five cents tax upon every one hundred dollars valuation, until the State debt is extinguished; and they desire that a clause shall be inserted in the Constitution which shall secure the application of this overplus to the extinguishment of the principal of the State debt."

Mr. Stevenson then followed, opposing Mr. Howe's amendment, on the ground that taxes should not be levied in the Constitution, and in conclusion used these words :

"Sir, this attempt to levy an additional tax upon the people by us is all wrong. I believe there is virtue enough in the people to settle this matter through their representatives in the Legislature, and I much prefer to leave it with that body."

Mr. Walpole followed in a speech, opposing the adoption of the original section reported by the Committee, for the reason that he

would do nothing to confirm the contract made by the State with the bondholders unless there was also a provision requiring the bondholders to perform their part of the contract.

Mr. Maguire followed in support of the original section as reported by the Committee, and referred with approbation to the calculation, showing that the then existing rate of taxation would pay the debt in fifteen or sixteen years, if the surplus was properly applied from year to year in the purchase of our stocks at the market value.

Mr. Ritchie then moved to re-commit the section, with instructions to strike out and insert that, "the present rate of taxation, twenty-five cents on taxable property and seventy-five cents on each poll, shall be continued until the indebtedness of the State is fully liquidated."

Mr. Ritchie then said :

"I would remark that this is a transcript of the report of the Committee on the subject, and I have no doubt if this course is adopted that in some fifteen or eighteen years the public indebtedness of the State will cease to exist. Under the action of the General Assembly we made this agreement with our bondholders in reference to the payment of the bonds they held, which constituted the public debt. The adoption of a proposition of this kind will not only increase the credit of the State, but do away with any suspicion that we have any disposition to repudiate the contracts we have made. We owe it to our constituents that we should endeavor to erase the unjust aspersions cast upon them in relation to this matter. And it is due also to our bondholders that we should repeat here, in this Convention, the action of the Legislature in the arrangement made by which, in some fifteen years, we will rid our State of its public debt."

Here the debate ended, and the original section was adopted, both amendments being laid upon the table.

I have referred particularly to this debate to show the views entertained by the Committee reporting the Constitutional provision, and the understanding of the Convention at the time of its adoption. It seems clearly to have been understood by the Convention that the Butler Bill guaranteed the continuance of the tax of seventy-five cents on each poll and twenty-five cents on each one hundred dollars worth of property, until the debt was liquidated, and the main subject of discussion was whether this guarantee should be specifically incorporated into the Constitution.

If the levy and continuance of a specified tax for the payment of the principal and interest of the debt was guaranteed in the original arrangement made by the Legislature with the creditors, it would be conclusive evidence that the State and the creditors were looking to the payment of the principal sum as well as the interest, and that the State could not, in good faith, indefinitely postpone the payment of the principal sum.

But it is equally clear from Mr. Butler's calculations, that he did not expect that the taxes which were guaranteed would be sufficient to pay the debt by the 19th day of January, 1866, for, in fact, by his tables, the principal of the debt could not be paid before 1872 or 1874, and when we take his tables in connection with the language of the certificate, "redeemable at any time after twenty years at the pleasure of the State," it is manifest that Mr. Butler had no assurance that the principal of the debt would be paid promptly at the end of the twenty years.

It turned out, however, that the basis of taxation was far more favorable to the speedy payment of the debt than ^{was} contemplated by Mr. Butler and the Legislature in 1846, for the average increase of taxable property, from that time until the present, has been, as before stated, nearly twenty-one millions of dollars per annum, instead of six millions. And a calculation which I have caused to be made, will show that if the guaranteed rates of taxation had been maintained, there would be in the Treasury on the first day of January, 1866, a surplus of four millions eight hundred and ten thousand seven hundred and four dollars and thirty-one cents, (\$4,810,704 31,) after defraying the ordinary expenses of the State Government, and the interest on the debt from year to year; and it is easy to show that if this surplus had been applied from time to time, as it accrued, to the purchase of our stocks at their market value, the whole debt would have been paid by the 19th day of January, 1866.

It was well understood by Mr. Butler and the bondholders in 1846 that these rates of taxation were all that the State was able to bear at that time, or would be able to bear for many years, and the language of the certificates, making the principal payable "after the end of twenty years, at the pleasure of the State," shows that the Legislature entertained doubts whether the State would be able to pay promptly at the end of twenty years, and that they did not intend to place her in a situation where, if she failed to make such payment, she would violate her contract, and stand before the world as repudiating or bankrupt.

In 1852 the Legislature departed from these rates of taxation, and reduced the levy to twenty cents on each one hundred dollars worth of property, and fifty cents on each poll. This rate upon polls was continued until 1865, but the levy upon taxable property fluctuated from fifteen to twenty cents on the one hundred dollars from 1853 to 1861.

In 1852 the Legislature passed an act creating the State Debt Sinking Fund, and levying a tax of two cents on the one hundred dollars "for the reduction and ultimate extinction of the public debt."

This Fund was placed under the control of three Commissioners, consisting of the Auditor, Treasurer and Agent of State, who were directed to invest the proceeds of the tax from time to time in the purchase of the two and a half and five per cent. stocks. The interest on the stocks thus purchased was to be paid semi-annually to the Commissioners, who were to invest the same in similar stocks, and thus create a Sinking Fund for the ultimate redemption of the stocks created by the Butler Bill.

In 1857 the Legislature failed to levy any tax for State purposes for the years 1857 and 1858, and for those two years no revenue was collected. In 1859 an act was passed instructing the Auditor of State to sell the stocks which had been purchased by the State Debt Sinking Fund to the Board of Commissioners of the Sinking Fund, in order to raise money to defray the ordinary expenses of the State Government, and to supply the deficiencies in revenue growing out of the failure to levy and collect taxes for the preceding two years. This act being held void for want of a title, the Board of Commissioners of the Sinking Fund refused to act upon it, but the Auditor of State treating it as an instruction, sold the stocks in open market, and put the money into the Treasury. At the regular session in 1861, it was enacted, that for the year 1863, and every year thereafter, five cents be levied on each one hundred dollars' worth of property for the reduction and ultimate extinction of the public debt, to be used by the State Debt Sinking Fund Commissioners as before described, but at the extra session in the same year, an act was passed diverting this tax, and that for the years 1861 and 1862, from the State Debt Sinking Fund, to the payment of the War Loan, which had just been authorized, with a provision, however, that if the holders of the War Loan Bonds would not sell them to the State at rates not exceeding their *par* value, the proceeds of the tax should be in-

vested in the stocks created by the Butler Bill, according to the terms of the original act creating the State Debt Sinking Fund.

This legislative history, it must be admitted, is rather curious and contradictory, and comes short of performing the obligations which the State in 1846 entered into with her creditors.

For this non-performance, up to 1861, a valid excuse can hardly be found, but for what has happened since, the excuse is ample. The contingencies and necessities of war override all other considerations, and if they cause a failure in the strict performance of a contract, it would not subject a State to the imputation of being wanting in good faith.

In view of the whole matter as I have presented it, the just conclusion seems to be this—that while the State is not bound to pay the principal of this debt on the 19th day of January, 1866, or be considered in default, yet that she is not at liberty to postpone the payment of it indefinitely; that to do so would be to violate the fair construction of the certificate itself, and the explicit understanding that existed in the Legislatures of 1846 and 1847, and in the Convention of 1850, as shown by their several enactments and debates; but that she is bound to make provision to pay the debt within such reasonable time after the twenty years as may comport with the original understanding of the parties, the ability and condition of the State, as left by the war, the faithful performance of her contracts, and the preservation of her good name. The whole subject is therefore commended to your careful consideration, in the hope that your conclusion, whatever it shall be, may be announced before your final adjournment, so that the State and her creditors may know what they have to depend upon.

As before shown, the amount of these stocks outstanding in the hands of our creditors and to be provided for, is six millions thirty-six thousand and eighty dollars and thirty-three cents (\$6,036,080 33).

The Auditor of State has furnished me a statement in which he estimates that there will be in the Treasury, on account of State Debt Sinking Fund, on the 1st day of May next, the sum of one million dollars (\$1,000,000).

The Board of Commissioners of the Old Sinking Fund will probably have on hand, in cash, on the 1st day of January, 1866, the sum of six hundred thousand dollars (\$600,000).

There is due also to the old Sinking Fund about nine hundred thousand dollars (\$900,000) on loans secured by mortgages on real estate, which, however, could not be made available for several years,

owing to the extension of time made by the State to the mortgagors, unless by the issue of a like amount of bonds bearing six per cent. interest, which is one per cent. less than that which the State receives on the mortgages, the bonds to be paid out of the proceeds of the mortgages when collected. These bonds disposed of to our creditors or others, at par value, and the moneys referred to, if promptly invested in our stocks, would procure some two millions six hundred and fifty-thousand dollars (\$2,650,000) of our stocks, and thus reduce the amount in the hands of our creditors to three millions three hundred and eighty-six thousand and eighty dollars and thirty-three cents (\$3,386,080 33).

The cash on hand in the Old Sinking Fund draws no interest, and has not for many months, and without regard to the conclusion you may come to as to the time or mode of paying the public debt, I earnestly recommend that all the cash and other assets belonging to the Old Sinking Fund be as speedily as possible invested in our State stocks, and the somewhat formidable and costly machinery by which that fund has been managed, abolished. The fund thus converted into our stocks can be easily managed by the Auditor of State with equal advantage to our common schools, and at a saving of no small expense. Of course it will be understood that such stocks as now belong to the Old Sinking Fund, or as may be purchased by its assets, must in some form be kept alive for the benefit of the School Fund, so that that fund, which is made inviolable by the Constitution, may not suffer by the conversion.

The financial system of Indiana is complicated, expensive, and anomalous. The State is a debtor, owing large sums of money, upon which she pays interest semi-annually, and incurs all the expenses thereto necessarily incident, such as the keeping of an agency in New York, the purchase of exchange, and other items of cost too numerous to mention. She is at the same time a lender of money, and maintains an expensive machinery to carry on that operation, and is subject, of course, to occasional losses incident to all money lenders.

If, therefore, the trust funds of the State could be invested in her own stocks it would greatly cheapen and simplify her financial system, and restore to its administration that public confidence, the absence of which has long been felt.

Should the assets of the Sinking Funds be converted into our public debt, as I have suggested, the whole debt of the State left outstanding in the hands of her creditors to be provided for, might be thus stated:

Two and a half and five per cent. stock.....	\$3,386,080	33
War Loan Bonds.....	438,000	00
Vincennes University Bonds.	66,685	00
Floating Debt, estimated at..	100,000	00
Total debt,.....	\$3,990,765	33

The conversion suggested can be made within the next six months, and there is no propriety in the State appearing to the world as being indebted in the sum of seven or eight millions of dollars when she has the means in her own hands of reducing it to less than four millions.

ENUMERATION AND APPORTIONMENT.

It is not creditable to the State that any provision of its Constitution, mandatory in its character, and not in conflict with the National Constitution, should remain a dead letter because of the non-action of the legislative department. If law-makers would have their enactments obeyed by the masses they should set an example of obedience by a prompt and faithful performance of those duties enjoined upon them by the higher law contained in the Constitution itself. More than fourteen years have elapsed since the adoption of the present Constitution of the State, and to this day there are two subjects on which its language is that of positive command where there has been no corresponding obedience—one of these subjects being almost vital to the existence of the Legislature itself. The first of these is the periodical enumeration of the white male inhabitants above twenty-one years of age, and the periodical apportionment of Senators and Representatives, based upon this enumeration. The other is the providing of Houses of Correction and Reformation for juvenile offenders.

Allow me earnestly to call your attention to both of these constitutional mandates in the order above stated. The Constitution of 1851 provides that the first and second elections of members of the General Assembly after its taking effect shall be according to the apportionment last made by the General Assembly before the adoption of said Constitution. This provision gave ample time for making the enumeration and apportionment required by the organic law of the State. The Constitution says that the General Assembly *shall*, at its second session after the adoption of this Constitution, and every six years thereafter, cause an enumeration to be made of all the white male inhabitants over the age of twenty-one years. It further says that,

“the number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each.” The General Assembly of 1853 designed to carry out the first of these provisions by passing an act approved February 24th, 1853, entitled, “An act to provide for the enumeration of all the white male inhabitants over the age of twenty-one years, in the State of Indiana in the year 1853, and pay the officers for taking the same.” In consequence of defects in this law, as I understand the matter, the enumeration contemplated by it was never completed and published, and although more than twelve years have since elapsed, no other act providing for an enumeration has been passed. In 1857 the General Assembly passed an act entitled, “An act to apportion Senators and Representatives for the next four years.” This act was not based upon an enumeration of the white male inhabitants of the State over the age of twenty-one years, for no such enumeration had been completed, and although it has long since expired by its own limitation, no other apportionment law has been enacted in its place, and by common consent, and from the necessity of the case, members of both houses of the General Assembly are still elected under the provisions of this law, which has ceased to exist, and which, if in existence, has become grossly unjust and unequal by the change in the population of the several counties of the State since 1857. A literal compliance with the Constitution as to enumeration and apportionment, is now impossible, but the nearest practical approach to it should be promptly made. To this end I recommend the passage of an act providing for an enumeration such as is contemplated by the Constitution, to be made in 1866, and another in the year 1871, and another every six years after the year 1871. These periodical enumerations should be provided for by a permanent enactment that would require no renewal at the expiration of each period of six years, and to secure its enforcement there should be adequate penalties for any failure of duty on the part of the officers charged with making the enumeration. To meet the present emergency I further recommend the passage of a law, temporary in its character, making a new apportionment of Senators and Representatives on the basis of the votes cast at the Presidential election in 1864, such apportionment to continue until a new one can be made based upon the enumeration required by the Constitution.

HOUSES OF REFORM FOR JUVENILE OFFENDERS.

The other particular before alluded to, in which a positive requirement of the Constitution has hitherto been wholly disregarded, relates to the establishment of Houses of Correction and Reform for juvenile offenders.

The second section of the ninth article of the Constitution reads as follows, viz:

“The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.”

In accordance with this humane and enlightened provision, the eighteenth section of the first article further provides that the penal code shall be founded on the principles of reformation, and not of vindictive justice.

It may well be doubted whether the county jails should, in any instance, be used as places of punishment for any class of offenders, and whether they should not be solely employed as places of detention of accused persons awaiting trial. Be this as it may, there can be no doubt as to the duty and policy of speedily establishing Houses of Reform for Juvenile Offenders.

The Legislature of 1855, impressed with the propriety of providing a place in which youthful offenders might be confined, uncontaminated by the proximity and examples of old and hardened offenders, authorized the purchase of a tract of land a few miles west of Indianapolis, for the express purpose of establishing a House of Reform for Juvenile Offenders. In pursuance of this authority the land was purchased, but since then nothing further has been done to carry into execution the provisions of the Constitution on this subject.

Institutions of this description have ceased to be an experiment, numbers of them having been established in other States of the Union with the most beneficial results. I most earnestly recommend that immediate steps be taken for carrying into execution, with the least possible delay, this requirement of the Constitution.

SOLDIERS' RELIEF LAW.

The restoration of peace and the consequent discharge from the service of the United States of the major part of the Volunteers of this State, since the adjournment of the General Assembly, render it proper that there should be a complete and thorough revision of the Act for the relief of the families of soldiers, seamen and marines,

and sick and wounded soldiers in hospitals, approved March 4th, 1865. Difficulties have arisen in the construction of the act, and although the Auditor of State has taken great pains to prevent a diversity of action in taking the enumeration contemplated by the act, I regret to say his efforts have not been successful in procuring entire uniformity. There is also a want of uniformity of construction as to the persons entitled to receive the benefits of the act, the local authorities in some counties, as I am informed, holding that the soldier's family must be reduced to a condition of absolute pauperism, before they can receive the allowance provided for by the act, while in other counties, relief has been afforded whenever the soldier's family was, in the language of the seventh section of the act, otherwise without "sufficient means for their comfortable support," although they might possess some property or means. The latter is obviously the proper construction, and it is greatly to be regretted that the act should not have been liberally construed in all parts of the State. There is also some uncertainty as to the time when the weekly allowance provided by the act shall commence, or from what time it shall be computed to those entitled, although in my opinion the auditor of State has properly decided that the allowance should commence from the date of the passage of the act. So far as it may be necessary to continue the provisions of the act in force, I recommend the adoption of such explanatory legislation as may be necessary to remove existing ambiguities, and to secure the benefits of the act to all those within its scope and spirit, and to prevent the illiberal construction before alluded to. The Act contemplates the levy and collection of a three mill tax on all taxable property and a poll tax of one dollar on each taxable poll for each of the years 1865 and 1866. I respectfully suggest that under existing circumstances it will neither be necessary nor proper that these taxes should be levied or collected for the year 1866, believing that the levy for 1865 if properly disbursed will be sufficient to furnish all the relief that the altered condition of the country demands.

SOLDIERS' AND SEAMEN'S HOME.

I earnestly invite your attention to the necessity for the speedy establishment of an Institution in which Indiana soldiers and seamen, disabled by wounds or disease contracted in the service of the United States, shall be cared for and maintained during the continuance of the disabilities under which they are laboring. Justice, humanity

and the honor of the State, forbid that these brave men should be permitted to suffer for the comforts of life, or be compelled to receive from the public such assistance as is accorded to ordinary paupers.

On the 15th day of May, last, for the purpose of enlisting the sympathies of the people in the establishment of such an Institution, I issued an address, of which a copy is herewith respectfully submitted. In pursuance of the invitation contained in this address, two successive meetings were held at Indianapolis, for the purpose of effecting a temporary organization of a Home for disabled Indiana Soldiers and seamen, and to inaugurate a system for the collection of voluntary contributions sufficient to place it ultimately on a permanent foundation.

At the second of these meetings, held on the 24th day of May last, a temporary organization was effected, the basis of which will be seen by reference to a copy of the proceedings of said meeting herewith respectfully submitted.

Soon after, applications for relief on the part of disabled soldiers were presented to the officers of the Association, and the Common Council of the City of Indianapolis, generously tendered the gratuitous use of the City Hospital Buildings to the managers of the Association for a temporary Home, which offer was accepted, with the distinct understanding that its acceptance should not in any degree influence the ultimate location of the Institution, should the effort to place it on a permanent basis, be successful. The temporary Home was opened on the seventh day of August last, and the absolute necessity for such an institution is demonstrated by the fact that already forty-six (46) disabled soldiers have been admitted into the Institution, twenty-one (21) of whom, after remaining some time and receiving the best care and medical treatment, have been discharged, with the prospect of being sufficiently restored to enable them to care for themselves, and one has died, leaving twenty-four still to be cared for. Of the twenty-four still in the Institution, seventeen are totally disabled, either by old age, disease, or wounds received in battle.

The funds received by the Treasurer of the Home from voluntary contributions, amount in the aggregate to \$4,994 55, in addition to which there are unpaid subscriptions, the estimated amount of which will increase this to over \$20,000. It is to be feared that the Institution cannot be placed upon a permanent foundation by voluntary contributions, and in view of this I submit the entire subject to the General Assembly, and respectfully but earnestly recommend that

prompt measures be taken to secure the object in view, feeling assured that it will commend itself to your judgment and sympathies.

The U. S. General Hospital, at Jeffersonville, is one of the most complete establishments of the kind in the country, and is well adapted to the purposes of a Soldiers' Home. I have written to the Secretary of War and Surgeon General for information, as to whether the Government would be willing to turn over this hospital to the State of Indiana, to be used in the establishment of such an institution, should the State desire it. The answer, when received, will be communicated to the General Assembly.

OFFICIAL BONDS.

The public interests require that there should be some legislation on the subject of official bonds, to prevent the sureties therein from setting up, as a defense to actions brought on such bonds, some unperformed outstanding agreement between them and their principals. Under existing decisions, a surety in an official bond, when sued thereon, may plead, as a defense, that when he signed the bond the principal promised him that he would procure some other person to execute it as a co-surety, and that the bond was filed and approved in violation of this agreement. Sound policy requires that when official bonds are properly approved, and filed in the proper office, there should be no doubt as to their binding obligation on all the parties executing the same. I respectfully recommend the passage of a law, providing that every principal and surety in an official bond shall be required, before such bond is approved, to acknowledge its execution before some officer authorized to take the acknowledgement of deeds, the acknowledgement to be certified on the bond, and making the bond thus acknowledged as binding, to all intents and purposes, upon such surety as it is upon the principal, and declaring that as between the State and the surety, such surety shall be deemed and taken to be a principal, and expressly prohibiting him from setting up any defense thereto, other than such as might avail the principal.

GRAND JURIES.

The experiment inaugurated in 1852, of depriving the Grand Juries of jurisdiction over misdemeanors, has been fully and fairly tested, and I respectfully submit, that the lesson taught has not confirmed the wisdom of this change, in the administration of our penal

code. Experience, I think, has clearly demonstrated that where it is not made the sworn duty of some properly constituted tribunal to make diligent inquiry and true presentment, as to the minor offenses against the penal code, these offenses will go unpunished, and thereby beget a disregard of law, and result in the increase of crime.

The General Assembly has already found it necessary to restore the jurisdiction of Grand Juries over one class of misdemeanors, and it is not perceived why the same considerations which induced this partial return to the old system, do not require a complete restoration of the jurisdiction so long exercised by the Grand Inquests of the several counties. I therefore respectfully recommend the restoration of this jurisdiction.

EMIGRATION.

The return of peace will increase the tide of emigration from Europe to the United States, whilst many of the brave soldiers of Indiana, who have been campaigning in the Southern States will doubtless seek new homes in the regions through which they have marched. These considerations render it of the highest importance that steps should be taken to attract to this State the largest possible number of foreign emigrants.

To this end, I repeat the recommendation for the establishment of a Bureau of Emigration, contained in my last regular message.

WORLD'S FAIR.

In this connection I call your attention to the subject of the World's Fair, or "Universal Exposition," to be opened at Paris, France, on the 1st of April, 1867. It is eminently desirable that specimens of the agricultural productions, manufactures, mechanical improvements, and mineral wealth of Indiana, should be there exhibited. They would constitute the best advertisement, to the people of the Old World, of the great resources, progress and wealth of the State, the energy, intelligence, and refinement of her people, and the superior inducements and advantages presented to immigration.

I recommend to your consideration the propriety of making provision for such exhibition, and herewith lay before you certain documents in regard to the Fair which I have received from the Secretary of State of the United States.

EDUCATION.

The subject of education will doubtless have your early and careful consideration. I cannot refrain from again recommending the speedy establishment of a State Normal School. Competent and skillful teachers are essential to a good system of education, and these cannot be supplied in sufficient numbers to meet the increasing wants of our people, without an institution whose business it shall be to train teachers for their profession.

MORGAN RAID.

I again respectfully invite the attention of the General Assembly to the damages occasioned to some of our citizens, by the invasion of the State by John Morgan, in 1863. I have seen no cause for changing the views expressed on this subject in my regular message delivered at the commencement of your last session, and therefore repeat the recommendation therein made.

SCHOOL FUND.

The first section of Article Eight of our State Constitution provides as follows: "Knowledge and learning, generally diffused throughout a community, being essential to the preservation of free government, it shall be the duty of the General Assembly to encourage by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all." The language of this provision is very broad, and would seem, in letter and in spirit, to embrace all the children of the State without regard to *color*. Surely it cannot be denied that, as we have a colored population in our midst, it is our interest, independent of those considerations of natural justice and humanity which plead so strongly, to educate and elevate that population. An ignorant and degraded element is a burden and injury to society, whatever may be its color. It therefore becomes a matter of sound political economy, as well as absolute justice, that whatever colored population we may have should be educated, and enabled to become intelligent, industrious, and useful members of the community. It is also especially important at this time, when the President of the United States and the people of the North are requiring the people of the South to make provision for educating their colored

population, and protecting them in the enjoyment of civil rights, that the Northern States should set the example, and practice what they preach, by extending to their smaller colored population the rights and benefits which they demand for them from others.

The laws of Indiana exclude colored children from the common schools, and make no provision whatever for their education. I would therefore recommend that the laws be so amended as to require an enumeration to be made of the *colored* children of the State, and such a portion of the School Fund as may be in proportion to their number, be set apart and applied to their education by the establishment of separate schools, under such suitable provisions and regulations as may be deemed proper. I would not recommend that white and colored children be placed together in the same schools, believing, as I do, in the present state of public opinion, that to do so would create dissatisfaction and conflict, and impair the usefulness of the schools. I am informed that a system can be devised, by which separate schools for the education of colored children can be successfully maintained in various parts of the State, and believe that justice, humanity, and sound policy require that it should be done.

By the school law of 1865, negroes and mulattoes are not taxed for the support of common schools, but if colored schools should be established this law should be so amended as to subject them to like taxation with white persons for educational purposes.

TESTIMONY OF COLORED PERSONS.

In my message to the Legislature at the last session, I held the following language in regard to the admission of the testimony of colored persons in cases in which white persons are parties :

“The statute which excludes negroes from testifying in courts of justice, in cases in which white persons are parties, is, in my opinion, a stigma upon the humanity and intelligence of the State. The idea that the white race must be protected against the colored, by imposing on them this disability, is absurd, and has been made the cover and protection of much crime and injustice. As the law stands, murder may be perpetrated with impunity by white persons in the presence only of colored witnesses, and it is well known that negroes are often employed by white persons as the instruments of crime and fraud, because of their inability to testify in courts of justice. The interests of both races demand that this disability be removed ; and if the fact of color affects credibility, that can be referred to the

court and jury as in other cases, and would undoubtedly receive due consideration. Indiana and Illinois are the only free States whose statute books are dishonored by the retention of a law so repugnant to the spirit of the age, and the dictates of common sense."

I can add nothing to the force of what I have before said, but desire again earnestly to recommend the repeal of this obnoxious statute. It is due, however, to the State of Illinois, to say that her statute book is no longer disgraced by this law, and that Indiana has the bad eminence of being the only State in the North that retains it.

INDIANA TROOPS.

The part which Indiana has taken in the war for the suppression of the rebellion, is a matter upon which the citizens of the State may justly pride themselves.

In the number of troops furnished, and in the amount of voluntary contributions rendered, Indiana, in proportion to her population and wealth, stands equal to any of her sister States. It is also a subject of gratitude and thankfulness that, whilst the number of troops furnished by Indiana alone in this great contest would have done credit to a first class nation, measured by the standard of previous wars, not a single regiment, battery, or battalion from this State has brought reproach upon the national flag, and no disaster of the war can be traced to any want of fidelity, courage, or efficiency on the part of any Indiana officer.

The endurance, heroism, intelligence, and skill of the officers and soldiers sent forth by Indiana to do battle for the Union, have shed a lustre on our beloved State of which any people might justly be proud. Without claiming superiority over our loyal sister States, it is but justice to the brave men, who have represented us on almost every battle field of the war, to say that their deeds have placed Indiana in the front rank of those heroic States which rushed to the rescue of the imperiled government of the nation.

The total number of troops furnished by the State for all terms of service in the armies of the Union, exceeds two hundred thousand men, much the greater portion of these being for three years; and in addition to this not less than fifty thousand State militia have from time to time been called into active service to repel rebel raids and defend our southern border from invasion; all of which will be fully shown in the official report of the Adjutant General, now in course of preparation for publication.

Since the end of the war, all the Indiana troops have been mustered out of service except eighteen regiments of infantry, and three regiments of cavalry. Every effort consistent with the interests of the Government has been made by the Executive Department of the State to procure the early muster out of these remaining Indiana regiments, and assurances have been received that orders for their discharge will be issued as soon as their services can be dispensed with. For other interesting details relating to our troops you are respectfully referred to a communication from the Adjutant General herewith submitted.

REORGANIZATION.

Since the adjournment of the Legislature the civil war which had desolated our country has terminated in the complete triumph of the Government and the suppression of the rebellion. The evacuation of Richmond, and the capitulation of Lee's army, were rapidly followed by the surrender of every other rebel army in the field, and irregular guerrilla warfare almost entirely passed away in a few weeks. The suppression of the rebellion and the subjugation of armed rebels seems to be complete, while every rebel State has confessed to the irretrievable destruction of the institution of slavery. The people of the South have been beaten and overpowered in the field; they have wholly lost their property in slaves; much of their country has been overrun and made desolate by the march and ravage of great armies; poverty and wretchedness have been brought home to large classes who before had lived in wealth and luxury; large numbers of their population have perished in the conflict, and there is prevailing among them great exasperation and bitterness which time alone can assuage.

The great majority, however, appear to regard the verdict of the war as irreversible, and to promptly accept the situation as one they cannot modify or put aside. But while the heresy of State sovereignty has been extirpated, and the questions involved in the conflict settled by the arbitrament of arms, it is yet of the greatest importance to the nation that these questions be adjudicated and determined by the highest judicial tribunal, which might most appropriately be done in the trial, for high treason and other atrocious crimes, of the chief instigator and head of this most wicked and bloody rebellion. It should be definitively established as a principle in our Constitution, both by judicial decision and example of punishment, that rebellion is treason, that treason is a crime which may not be committed with impunity; and that there is but one sovereignty, which resides in the collective and undivided people of the United States.

The work of reorganizing the Governments of the rebel States, and bringing them again into practical relations with the Government and people of the United States, is now upon the country, and demands for its successful performance the greatest wisdom, patience, and forbearance.

But while it is important that the work of reorganization shall not be unnecessarily delayed, it is more important that it shall proceed upon sound principles, which will furnish guarantees for the future integrity and peace of the Republic. The principal discussions which arise on this subject pertain to the future status of the negro in the Southern States. By some it is urged that conferring suffrage upon him shall be made a condition of reorganization, or in other words that the States lately in rebellion shall not be permitted to resume their practical relations with the Government, except upon the terms of first conferring the rights of suffrage upon their freedmen. As to the manner in which this measure shall be accomplished, the friends of it differ. Some are in favor of persistently excluding the members of Congress from the Southern States, until negro suffrage has been incorporated into their several Constitutions. Others assume that the States lately in rebellion are no longer members of the Union, but have forfeited and lost their character as States, and are in fact held as conquered provinces, and, like unorganized territories which may have been acquired by the Government, are under the complete control and jurisdiction of Congress, which may confer suffrage upon whomsoever it pleases.

The subject of suffrage is, by the national Constitution, expressly referred to the determination of the several States, and it can not be taken from them without a violation of the letter and spirit of that instrument.

But without stopping to discuss theories or questions of constitutional law, and leaving them out of view, it would, in my opinion, be unwise to make the work of reconstruction depend upon a condition of such doubtful utility as negro suffrage.

It is a fact, so manifest that it should not be called in question by any, that a people who are just emerging from the barbarism of slavery are not qualified to become a part of our political system, and take part, not only in the government of themselves and their neighbors, but of the whole United States. So far from believing that negro suffrage is a remedy for all of our national ills, I doubt whether it is a remedy for any, and rather believe that its enforcement by Congress would be more likely to subject the negro to a merciless

persecution, than to confer upon him any substantial benefit. By some it is thought that suffrage is already cheap enough in this country; and the immediate transfer of more than a half a million of men from the bonds of slavery, with all the ignorance and degradation upon them which the slavery of generations upon southern fields has produced, would be a declaration to the world that the exercise of American suffrage involves no intellectual or moral qualifications, and that there is no difference between an American freeman and an American slave, which may not be removed by a mere act of Congress. What is far more important to the freedmen than suffrage, is that their several States shall give them the right to testify in courts of justice, afford to them the ordinary judicial machinery for the protection of their civil rights, provide for their education, and thus enable them to qualify themselves for the higher political duties of the citizen. It is not less vital to their interests that the Constitutional Amendment be adopted, which not only forever prohibits slavery throughout the nation, but confers upon Congress the power of legislating for the protection of their liberty and civil rights; and these things, among others, the President of the United States has imposed as precedent conditions in the work of reorganization, and has declared his purpose to hold and govern these States by military authority, as in a state of war, until they have been complied with. Time, and the influence of the new conditions by which they are surrounded, will elevate the condition of one race, and soften the prejudices and asperities of the other, and will accomplish what legislation and violent political changes can not. The inevitable presence of both races upon the same soil, the demands and necessities of capital and labor, and the unavoidable community of interest, will, in process of time, I can not doubt, force a reciprocity of rights and privileges. The institution of slavery was so closely intertwined about the foundation of society in the Southern States, that, when it was destroyed, society was uprooted and broken to pieces. The process of its reconstruction is but beginning, but it is very certain that the new structure will differ, in most essential particulars, from the old. Free labor, free speech, and free schools, will come into it as new and powerful elements of change and progress, and large emigration from the Northern States and from Europe, bringing commerce, manufactures and improved agriculture, will exert a modifying and beneficial influence, the effect of which can hardly be over-estimated.

Another amendment, not only conducive to the interests of the freedmen, but demanded by the rights and interests of the white peo-

ple of the North, should be made, changing the basis of representation in Congress, and the apportionment of political power, among the several States. The present provision in the Constitution of the United States concerning this, reads as follows: "Representatives and direct taxes shall be apportioned among the several States, which may be included within this Union, by adding to the number of free persons, including those that may be bound to service for a term of years, and excluding Indians not taxed, *three-fifths* of all other persons." The phrase, "three-fifths of all other persons," was a periphrastic description of the slave population, and gave representation for three-fifths of their number. By the abolition of slavery, this population is added to the "number of free persons," and thus increases the basis of representation by the addition of two-fifths.

The inequality produced between the several States by this form of representation, is too palpable to require argument. By its operation, eight millions of white people in the Southern States hold and exercise political power full sixty per cent. greater than an equal number of white people in the Northern States, by reason of having in their midst four and a half millions of negroes. This provision was the chief compromise which our fathers made with the institution of slavery, and although, through a sense of its great injustice, it has been impatiently acquiesced in by the Northern people, yet it has been carried out in good faith; but now that slavery, the foundation of this compromise, has passed away, the provision should be so changed as to suit the altered condition of the country, and do justice to every part of the nation. If it were so amended as to apportion representation and political power among the several States according to the actual number of male voters over the age of twenty-one years, it would be equally fair for all, and would put it out of the power of the people of any State, or class of States, to increase or double their political power by the presence in their midst of a population which they themselves deprive of all political rights; and thus an inducement would be presented to the several States, in order to enlarge their power in the Government, to confer political rights upon every class of persons, without regard to color or nationality, as rapidly as might be deemed consistent with their true interests.

By the census of 1860, the fifteen slave States were allowed eighty-four (84) members of Congress, because of the representation of three-fifths of their slaves, and now that the slaves are made free, and the other two-fifths added to their basis of representation, they

would be entitled to fourteen members more, although, perhaps, in point of law, this increase cannot take place anterior to the year 1870. If the negro population was equally diffused throughout all the States, this inequality would not exist, but the fact is, it is not so diffused, and the probability is that the concentration in the Southern States will become greater from year to year by the emigration thither of the colored population of the North. According to the census of 1860, the Southern States upon a *white* basis would have been entitled to sixty-six members of Congress, instead of eighty-four according to the existing basis.

Whatever opposition there may be to the adoption of this proposed amendment, it amounts, when stripped of its coverings and sophistries, simply to this: that the white people of the South shall continue to exercise in the future, as in the past, sixty per cent. more of political power in the National Government, than an equal number of white people in the North, and for this great inequality and injustice I am wholly unable to perceive any good or sufficient reason.

Should such an amendment be passed by the requisite majorities through the Congress of the United States, before your final adjournment, I would most respectfully, but earnestly, recommend its immediate ratification on your part.

In conclusion upon this subject, I am not of the opinion that the Herculean work of reconstruction will be accomplished at one time, by any general and sweeping process, but that it will proceed State by State, as each one shall conform to the requirements of the Government, and show itself loyal and prepared to resume its practical relations in the Union. The conditions which have been imposed upon these States by the President, are not only reasonable and legitimate, but are dictated by justice and a wise foresight for the future of the Republic, and although they may not be accepted this year, or even the next, yet that they ultimately will be I have no doubt. And if the work of reorganization shall be successfully completed within the same period which was required to put down the rebellion, it will be within the limit of my expectations.

CONCLUSION.

The war has established upon imperishable foundations, the great fundamental truth of the unity and indivisibility of the nation. We are many States but one people, having one undivided sovereignty, one flag, and one common destiny. It has also established, to be confessed by all the world, the exalted character of the American

Soldier, his matchless valor, his self-sacrificing patriotism, his capacity to endure fatigues and hardships, and his humanity, which in the midst of carnage has wreathed his victorious achievements with a brighter glory.

He has taught the world a lesson before which it stands in amazement, how, when the storm of battle had passed, he could lay aside his arms, put off the habiliments of war, and return with cheerfulness to the gentle pursuits of peace, and show how the bravest of soldiers could become the best of citizens.

To the Army and Navy, under the favor of Providence, we owe the preservation of our country, and the fact that we have to-day a place, and the proudest place, among the nations.

Let it not be said of us, as it was said in olden time, that "Republics are ungrateful." Let us honor the dead, cherish the living, and preserve in immortal memory the deeds and virtues of all, as an inspiration for countless generations to come.

OLIVER P. MORTON.

Whereupon the Senate returned to their seats in the Hall of the Senate, and on motion adjourned until 2 o'clock P. M.

2 o'clock P. M.

Senate met.

The resolution offered by Mr. Bennett respecting Employees was taken up, the hour having arrived for its consideration.

Mr. Cullen moved to strike out the word authorize and insert "confirm."

Which was accepted.

The resolution was then adopted.

Messrs. Bennett, Thompson and Mason, were appointed said committee.

Mr. Horde asked and obtained leave to introduce

Senate Bill No. 196. "A Bill concerning the Writ of Habeas Corpus."

Which was read a first time.

Mr. Hord moved to suspend the rules and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bradley, Brown, of Hamilton, Brown, of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Reagan, Staggs, Terry, Van Buskirk, Williams, Woods and Wright—36.

Those who voted in the negative were,

Messrs. English, Noyes, Vawter—3.

So the bill was read a second time.

Mr. Hord moved that the bill be referred to the Committee on the Judiciary.

The bill was so referred.

Mr. Cason offered the following resolution :

Resolved, That the Doorkeeper be instructed to furnish and lay upon the desks of each member of the Senate one copy each of the Senate and House Journals and one copy of the Acts of the last last session of the General Assembly.

Which resolution was adopted.

Mr. Hanna offered the following resolution :

Resolved, That the Secretary of the Senate be directed to place upon the files and calendar of this session of the Senate all bills and joint resolutions pending at the adjournment of the General Assembly at its last regular session in the same order in which the same stood at the termination of said regular session.

Which resolution was adopted.

Mr. Brown of Wells offered the following resolution :

Resolved, That so much of the Governor's message as relates to

the subject of enumeration and apportionment of Senators and Representatives in the General Assembly of the State, be referred to a select committee of one Senator from each Congressional District of the State, said committee to be appointed by the President of the Senate.

The resolution was adopted.

Mr. Cason offered the following :

Resolved, That the committee of the Senate during the last session be, and the same are hereby continued as the Standing Committee of the present session.

Which was adopted.

Mr. Cullen introduced the following resolution :

Resolved, That the doorkeeper be, and is hereby authorized to contract for one hundred and sixty-five (165) copies daily, for the use of Senators, of the daily Telegraph, a German paper published in Indianapolis, the same to be wrapped and stamped, ready for mailing.

Mr. Corbin moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Cason and Cullen.

Those who voted in the affirmative were,

Messrs. Barker, Brown of Wells, Carson, Cobb, Corbin, Douglas, Fuller, Jinkens, Marshall, Moore, Terry, Van Buskirk, Woods and Wright—14.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, English, Finch, Gifford, Hanna, Hord, Hyatt, McClurg, Mason, Milliken, Newlin, Noyes, Oyler, Reagan, Staggs, Vawter, Ward and Williams—29.

So the amendment was not laid on the table.

Mr. Oyler moved to amend by adding Daily Evening Gazette.

Mr. Cobb moved to amend by adding Volksblat.

Mr. Bradley moved to lay the whole subject on the table.

Mr. Williams called for a division of the question.

The question being on laying on the table the amendment offered by Mr. Cobb,

Messrs. Oyler and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Wells, Carson, Cobb, Douglas, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Mason, Moore, Reagan, Staggs, Terry, Van Buskirk, Vawter, Williams, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Allison, Barker, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Dunning, Dykes, Hanna, Hord, Newlin, Niles, Noyes, Oyler and Ward—18.

The question being on laying on the table the amendment offered by Mr. Oyler,

Messrs. Oyler and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cobb, Corbin, Hyatt, Jinkens, Noyes, Oyler, Reagan, Terry, Van Buskirk, Vawter, Woods and Wright—17.

Those who voted in the negative were,

Messrs. Allison, Barker, Brown of Wells, Carson, Cason, Chapman, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Marshall, McClurg, Moore, Newlin, Niles, Staggs, Thompson, Ward and Williams—27.

So the amendment does not lie on the table.

The question being on the adoption of the amendment,

Messrs. Oyler and Hyatt demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bradley, Brown of Wells, Carson, Cason, Chapman, Cullen, Culver, Davis, Douglas, Dunning, Dykes, Finch, Fuller, Gifford, Hanna, Marshall, McClurg, Moore, Newlin, Staggs, Thompson, Ward and Williams—25.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Corbin, English, Hyatt, Jinkens, Noyes, Oyler, Reagan, Terry, Van Buskirk, Vawter, Woods and Wright—16.

The question being on the adoption of the original resolution, the same was adopted.

Mr. Allison asked and obtained leave of absence for one week.

Mr. Cullen asked and obtained leave to introduce

Senate bill No. 197. An act to repeal an act, entitled "An act for the relief of families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in hospitals in the State and United States, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named," approved March 4, 1865.

Which was read a first time and passed to a second reading.

Mr. Bennett asked and obtained leave to introduce

Senate bill No. 198. A bill to repeal the Soldiers' Relief Act, &c., Which was read a first time and passed to a second reading.

Mr. Thompson asked and obtained leave to introduce

Senate bill No. 199. An act to amend an act, to incorporate the Indianapolis Insurance Company, approved February 8, 1836, Which was read a first time and passed to a second reading.

Mr. Cason asked and obtained leave to introduce

Senate bill No. 200. An act providing for the settlement of decedents' estates, &c.,

Which was read a first time and passed to a second time.

Mr. Williams introduced the following resolution :

WHEREAS, The last session of the General Assembly of the State of Indiana, was the most extravagant in appropriations that ever was known in the State ;

And,

WHEREAS, The people of the State are burdened with heavy taxes ; therefore,

Resolved, That we are in favor of reforming, and for the present will not employ any more assistants than are necessary to conduct the business of the session in a proper manner.

Mr. Cullen moved to refer the resolution to a select committee of three.

Mr. Bennett moved to lay resolution and amendment on the table.

Messrs. Cullen and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—23.

Those who voted in the negative were,

Messrs. Allison, Brown of Wells, Barker, Bradley, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Moore, Newlin, Richmond, Staggs, Williams and Wright—24.

So the resolution and amendment were not laid on the table.

Mr. Bradley asked and obtained leave to introduce

Senate bill No. 201. A bill to provide for the care and treatment of the incurable insane, and matters properly connected therewith.

Which was read a first time and passed to a second reading.

Mr. Carson introduced the following :

Resolved, That the committee appointed to confirm the appointment of the employees of the Senate, be instructed to report to the Senate the names of the officers of the last session, who were here at the opening and organization of the present session, and also report who should receive pay for the same, and the amount thereof.

Which, on motion, was adopted.

Mr. Mason offered the following resolution :

Resolved, That the Senate adopt the rules which governed this body at its last session, for its government at this session.

Mr. Cason moved to refer to a select committee of five, with instructions to revise.

The resolution was so referred.

The President then appointed Messrs. Cason, Mason, Bennett, Vawter, Niles and Dunning.

Mr. Hord asked and obtained leave to introduce

Senate bill No. 202. An act making specific appropriation from the State Treasury.

Which was read a first time.

Mr. Hord moved to suspend the rules and read the bill a second time now.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Dunning, Finch, Fuller, Gifford, Hanna, Hord, Marshall, McClurg, Mason, Moore, Newlin, Niles, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Williams, Woods, and Wright—33.

Those who voted in the negative were,

Messrs. Beeson, Bennett, Brown of Hamilton, Culver, Dykes,

English, Hyatt, Jinkens, Milliken, Noyes, Oyler, Terry, Vawter, and Ward—14.

So the rules were suspended and the bill read a second time.

Mr. Bennett moved to refer to Committee on Finance.
Which was agreed to.

Mr. Cullen asked, and obtained, leave to introduce

Senate Bill No. 203. An act to authorize suits to be brought and executions to issue by and against firms or partnerships in the firm or partnership name.

Which was read a first time and passed to a second reading.

Mr. Bennett asked, and obtained, leave to introduce

Senate Bill No. 204. A bill in relation to witnesses, and repealing all laws in conflict, &c.

Which was read a first time and passed to a second reading.

Mr. Brown asked, and obtained, leave to introduce

House Bill No. 205. An act to fix the time of holding the Circuit Court in the several counties composing the Seventh Judicial District, and repealing all laws in conflict therewith.

Mr. Bonham moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken,

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bradley, Brown of Hamilton, Brown, of Wells, Carson, Cason, Chapman, Cobb, Corbon, Cullen, Culver, Davis, Dunning, Dykes, Finch, Gifford, Hanna, Hord, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Williams and Wright—35.

Those who voted in the negative were,

Messrs. Barker, Beeson, Douglas, Jinkens, Marshall, Noyes Staggs—7.

Mr. Mason moved to refer to a Select Committee.
Which was agreed to.

The President appointed Messrs. Bonham, Brown, Mason and Richmond.

On motion by Mr. Bennett,
The Senate adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
November 15, 1865.

The Senate met.

The Journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Oyler presented a petition on the subject of Temperance.
Which was referred to the Committee on Temperance.

Mr. Cobb presented a petition praying for the repeal of "an act for the relief of the families of soldiers, seamen and marines, &c., &c.," approved March 4, 1865.

Mr. Richmond moved to refer the above petition, together with all others upon the same subject, to the Committee on Finance.
Which was agreed to.

Mr. Milliken offered a petition on the subject of Temperance.
Which, on motion, was referred to the Committee on Temperance.

REPORTS FROM JUDICIARY COMMITTEE.

Mr. Niles, from the Judiciary Committee, introduced the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate Bill No.

196, entitled, "an act concerning the writ of Habeas Corpus," have had said bill under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which, on motion, was concurred in.

Mr. Brown of Wells offered the following :

MR. PRESIDENT :

The Select Committee, to whom was referred the resolution and amendments pending thereunto, upon the subject of stationery, having given the same full and due consideration, have directed me to report back said amendments, with a recommendation that they lie upon the table. They would also recommend that the original resolution be amended so as to read as below given, and that when so amended, it be passed.

Resolved, That the President of the Senate be, and he is hereby, authorized to procure from the State Librarian, upon his own order, such stationery as he may desire for his own use, not exceeding in value the sum of sixty dollars; that each Senator, for his own use, and each chairman of a committee, for the use of his committee, be, and they are hereby, authorized to draw, upon their own order, from the State Librarian, such stationery as they may severally desire, not exceeding in value the sum of forty dollars each; that each elected officer of the Senate, for his own use and the use of his appointees, be, and he is hereby, authorized to procure from the State Librarian, stationery not exceeding in value twenty dollars, all for the entire session; that the principal secretary of the Senate shall, from time to time, procure from the State Librarian, upon the order of the Senate, such stationery as may be necessary in the discharge of the business of the secretaryship of the Senate, to which end he shall previously furnish to the Senate estimates of the amounts thereof so by him deemed necessary. And the said Librarian shall keep a strict account of all stationery for such purposes by him purchased, and to whom issued; and three days before the close of the present session, he shall report to the Senate the amount purchased, for whom, and at what price, and also a list of persons to whom issued, and the amount in value drawn by each. And for the purpose of keeping such accounts, he may employ a clerk. And in case the President should not draw stationery of the value of said sum of sixty dollars, or any Senator should not draw stationery of the value

of said sum of forty dollars, they shall each respectively be entitled to draw in money the balance of said sums of sixty and forty dollars.

M. Dunning offered the following resolution :

Resolved, That A. T. Whittlesey, Principal Secretary of the last session of the General Assembly, Jacob S. Broadwell, Assistant Secretary, M. A. O. Packard, Reading Clerk, and John H. Johnson, Doorkeeper, be each allowed mileage, and three days' services at five dollars per day, for organizing the present session of the General Assembly, and that the Auditor of State is hereby authorized to issue his warrant upon the Treasurer for the amount due the above named persons.

Which resolution was adopted.

Mr. Gifford presented

A petition to repeal the law in favor of soldiers and seamen.

Which, on motion, was referred to the Committee on Finance.

Mr. Bennett introduced the following concurrent resolution :

WHEREAS, Jefferson Davis, late President of the so-called Confederate States, is now, and has been for months past, in the custody of the United States, on a charge of treason against the Government, therefore, be it

Resolved, By the Senate, the House concurring, that in view of the enormity of the crime, and the demand of the loyal people of this State, we respectfully request his Excellency, Andrew Johnson, President of the United States, that the said Jefferson Davis, for his alleged treason, be speedily brought to trial before the proper civil tribunal, and if convicted, that he shall suffer the penalty prescribed by law.

Mr. Williams moved to strike out all relating to the President of the United States.

Mr. Vawter moved to lay the amendment on the table.

Messrs. Vawter and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken Niles, Noyes, Oyler, Reagan, Richmond Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, and Williams—22.

So the amendment lies on the table.

Mr. Brown, of Wells, introduced the following substitute.

Resolved, By the Senate, the House concurring, that in relation to the case of Jefferson Davis, President of the late so-called Confederate States, we have full confidence in President Johnson's sense and spirit of justice, and may safely leave the entire disposition of said Jefferson Davis' case in his hands, subject always to the Constitution of the United States and laws of Congress, in pursuance thereof.

Mr. Hanna moved to refer to the Committee on Federal Relations.

Messrs. Brown, of Wells, and Bennett, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Dunning, English, Finch, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Van Buskirk, Vawter and Williams—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—23.

So the whole subject was referred.

Mr. Cobb introduced

Joint resolution No. 20, entitled "A joint resolution on the subject of a ship canal around the Falls of Niagara, connecting Lake Erie and Lake Ontario."

Which was read a first time and passed to a second reading.

Mr. Beeson introduced the following resolution :

Resolved, That 2,000 copies of the Governor's Message be provided for the use of the Senate, and 8,000 for the use of the Governor.

Mr. Vawter moved to refer the resolution to a committee of three, to act in conjunction with a similar committee on the part of the House.

Which was agreed to.

The President appointed Messrs. Vawter, Beeson and Dunning said committee.

Mr. Cobb moved to take up the resolution of Mr. Brown of Wells, on the subject of stationery.

Mr. Beeson introduced the following amendment :

Strike out \$40.00 and insert \$20.00 in lieu thereof.

Mr. Cullen moved to lay the amendment on the table.

Messrs. Beeson and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Brown of Wells, Cullen, Davis, Dunning, Finch, Hord, McClurg, Mason, Oyler, Richmond and Terry—13.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Dykes, English, Gifford, Hanna, Hyatt, Jinkens, Marshall, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—33.

So the motion does not lie on the table.

The question being on the adoption of the amendment,

Mr. Cobb moved to amend the original resolution by striking out 20 where it occurs, referring to the Clerks and Secretaries, and inserting 10.

Which was agreed to.

The question being on the amendment offered by Mr. Beeson,

Messrs. Oyler and Beeson demanded the ayes and noes :

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Finch, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—41.

Those who voted in the negative were,

Messrs. Bonham, Brown of Wells, Hord, Mason and Oyler—5.

So the amendment was adopted.

Mr. Beeson then introduced the following amendment to the original resolution :

“Strike out all that relates to receiving and drawing money.”

Which was agreed to.

The question being on the adoption of the original resolution as amended,

Pending which,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

The question pending on the adjournment being on the adoption of the report of the Select Committee on Stationery, as amended,

Mr. Cobb moved to amend by allowing the Secretaries to draw their own stationery.

Which was agreed to.

Then the report, as amended, was concurred in.

Mr. Cobb introduced a motion to suspend the order of business, and take up House Bill No. 59.

Which, on motion,

Was agreed to.

House Bill No. 59. A Bill to authorize railroad companies to occupy and use for railroad purposes the property of canal companies, with their consent, and to secure them in such occupation, and for the protection of the hydraulic powers of each canal; and to authorize the lessees of the water privileges in said canal to organize a company, or companies, for the maintenance thereof, in case of the failure of said canal company to maintain the same.

The question being on reading the bill a third time,

Mr. Allison moved that the bill be read a third time now.

And the bill was then read the third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Bradley, Brown, of Hamilton, Brown, of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Reagan, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Wright—38.

Those who voted in the negative were,

Messrs. Beeson, Bonham, Corbin, Cullen, Douglas, Noyes, Oyler, Richmond, Terry and Woods—10.

So the bill passed.

The question being,

Shall the title as reported stand as the title of said bill?

It was so ordered.

Mr. Carson, from the Select Committee to revise the rules of the Senate, made the following report:

MR. PRESIDENT:

The Select Committee to whom was referred the standing rules of the Senate, have had the same under consideration, and have directed me to make the following report:

Which report was amended to read as follows:

Amend the first rule by striking out the word "resolution" when it occurs, inserting in lieu thereof the word "motion."

Also, after the words "precisely at" insert the words "2 o'clock in the afternoon during the first fifteen days of the session and thereafter at."

Amend the 18th rule by adding the following:

"But the question of excusing a Senator shall be decided summarily without debate."

Amend the 24th rule by striking out the word "elected" and inserting in lieu thereof the word "voting;" also, by inserting the word "subsidiary" before the word "questions."

Amend the 33d rule by inserting after the word "order" the words, except when the previous question is pending, add a 55th rule, as follows:

When a bill or joint resolution shall have failed for the want of a constitutional majority but shall have named the votes of the

majority of the members present, it shall be subject to be called up in its order at the instance of any Senator on any subsequent day, but when it shall have failed to receive the votes of a majority of the members present, it shall only be again called up by a motion to reconsider the previous votes.

The report as amended was concurred in.

Mr. Mason introduced the following:

Resolved, That one hundred copies of the rules, as amended, be published for the use of this Senate.

Which resolution was adopted.

Mr. Oyler asked, and obtained, leave to introduce

Senate Bill No. 206.

Which was read the first time and passed to a second reading.

Senate Bill No. 206. Entitled an act supplemental to an act, entitled an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporation, and to exercise corporate powers, and to define their rights, powers and privileges, to enable such corporation to purchase and construct connecting and branch roads, and to operate and maintain the same.

Approved March 3d, 1865, and for the purpose of making the same more definite and certain.

Mr. Dunning introduced the following:

Resolved, That Thomas D. Moore be allowed for services as an Assistant Doorkeeper, in organizing the present session of the Senate, the same compensation that has been allowed to the Principal Doorkeeper for like services, and that the Auditor of State draw his warrant upon the Treasurer of State for the same, in favor of said Moore.

Mr. Bennett offered the following amendment:

INDIANAPOLIS, Ind., November 15, 1865.

This is to certify that the following named persons, who were my appointees at the last session of the Senate, and who were present and assisted at the present organization of the Senate, are entitled to receive pay for three days' services, and mileage:

J. D. Henry, Thomas D. Moore, John Monroe, Moses Osborn, J. M. Clements, Charles Johnson, John Patteson, page, Kinnard Hamilton, page, and Ulysses Corsan.

JOHN H. JOHNSON,
Doorkeeper Senate.

Mr. Dunning moved to refer the resolution and amendment to the Committee on Employees.

They were so referred.

Mr. Brown, of Wells, introduced the following resolution :

Resolved, That the President of the Senate, and each Senator, be authorized to draw from the Librarian, upon stationery account, a copy of the Revised Statutes, Gavin & Hord's edition ; provided that upon return of the same it shall be credited upon the same account ; and provided that the Senator from Henry be allowed a copy without the same being charged to him.

Which resolution was adopted.

Mr. Cason introduced the following resolution :

Resolved, That the Clerk be instructed to hand over all bills and resolutions on file that have not been acted on by the various committees having the same under consideration at the last session, to the committees which had the same under their consideration at that session.

Which was adopted.

Mr. Niles introduced

Senate bill No. 207, entitled "an act in regard to lot No. 1, in block sixty-eight, (68,) in the city of Indianapolis, owned by the State."

Which was read the first time, and passed to a second reading.

On motion of Mr. Cullen,

The Senate adjourned until to-morrow, at 2 o'clock, P. M.

THURSDAY AFTERNOON, 2 o'clock, }
November 16, 1865. }

The Senate met.

In the absence of the President the Secretary called the Senate to order.

On motion by Mr. Cullen,

Mr. Dunning took the Chair.

On motion of Mr. Van Buskirk,

The Assistant Secretary was granted a leave of absence for the afternoon.

The Journal was read and approved.

The following message was received from the House of Representatives ;

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to-wit :

Enrolled Act of the House of Representatives, No. 59, entitled "an act to authorize railroad companies to occupy and use for railroad purposes the property of canal companies, with their consent, and to secure them in such occupation and use, and for the protection of the hydraulic power of each canal ; and to authorize the lessees of water privileges in said canal to organize a company, or companies, for the maintainance thereof, in cases of the failure of said canal company to maintain the same."

To which the signature of the President of the Senate is respectfully requested.

I am also directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof:

Engrossed House bill No. 22. A bill to legalize the sale of certain school lands in Lake county.

Engrossed House bill No. 21. A bill to amend the 22d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1862.

In which the concurrence of the Senate is respectfully requested.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Moore offered a petition, praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen and marines," &c., approved March 4th, 1865.

Which was referred to the Committee on Finance.

Mr. Richmond offered a petition on the same subject.

Which was referred to the same committee.

Mr. Milliken offered a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Noyes offered a petition praying for the repeal of an act, entitled "An act for the relief of the families of soldiers, seamen and marines," &c., &c., approved March 4, 1865.

Which was referred to the Committee on Finance.

Mr. Cason offered a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

Mr. Terry offered a petition praying for the repeal of an act, entitled "An act for the relief of the families of soldiers, seamen and marines," &c., &c., approved March 4, 1865.

Which was referred to the Committee on Finance.

Mr. Milliken offered a memorial on the subject of Temperance.

Which was referred to the Committee on Temperance.

REPORTS FROM SELECT COMMITTEES.

Mr. Bennett offered the following report :

MR. PRESIDENT :

The special committee to whom was referred the claims of sundry persons for services rendered in the organization of the present session of the Senate, beg leave to report that they have had the same

under consideration, and recommend that allowances be made as follows :

Ira A. Fairchilds, John C. Robinson, John Dowling, Thomas D. Moore, Moses Osborne, J. M. Clements, Charles Johnson and J. S. Williams, each, for three days' services, at five dollars per day, and mileage, as Assistant Clerks and Assistant Doorkeepers.

John Pattison, Kinnard Hamilton and Ulysses Corsan, each, for three days' services, at three dollars per day, as pages, with mileage.

E. B. Carter and Henry Carter, each, for four days' services, at five dollars per day, as firemen.

Which was concurred in.

The President laid before the Senate the following communication :

INDIANAPOLIS, November 16, 1865.

Hon. PARIS C. DUNNING,

President pro tem of the Senate :

Sir:—The preparation to assume new official duties requires my immediate attention, and by reason thereof, there is no probability that I will be able to resume my position in the Senate during its present session. Please communicate this information to the Senate.

Respectfully, your obedient servant,

CONRAD BAKER,

Lieutenant Governor :

Mr. Cullen moved to proceed to the election of a President *pro tem*.

Mr. Brown, of Wells, moved to postpone until Tuesday next at 2 o'clock P. M.

Mr. Bonham moved to lay the motion to postpone upon the table.

Messrs. Hanna and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

S. J.—5.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—23.

So the motion was laid upon the table.

On motion,

The order of business was passed over, and the resolution of yesterday concerning the Governor's Message, was taken up.

Mr. Beeson moved to amend by making the resolution read so that 2,000 of the 10,000 shall be in German, 2,000 for the use of the Senate, and 6,000 for the use of the Governor.

Mr. Brown, of Wells, moved to amend by making it read 3,000 for the use of the Governor, and 1,000 for the use of the Senate.

Mr. Cullen moved to lay the amendment upon the table.

Messrs. Cullen and Brown, of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dunning, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—23.

So the motion was laid upon the table.

The question being upon the original motion,

Messrs. Cullen and Corbin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamilton,

Cason, Chapman, Cobb, Cullen, Culver, Davis, Dunning, Dykes, Fuller, Hanna, Hyatt, McClurg, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—31.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown, of Wells, Carson, Corbin, Douglas, English, Finch, Gifford, Jinkens, Marshall, Moore, Newlin, Vawter and Williams—16.

So the resolution was adopted.

The question recurring on the motion to proceed to the election of President pro tem.

It was so ordered.

Mr. Cobb demanded a call of the Senate, when the following members answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown, of Hamiltan, Brown, of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis Douglas, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—48.

Mr. Oyler moved to dispense with a further call of the Senate. Which was agreed to.

Mr. Cullen nominated for President pro tem., of the Senate, Mr. Paris C. Dunning, of Monroe county.

Mr. Corbin nominated Mr. James D. Williams, of Knox county.

There being no further nominations the roll was called, with the following result :

Those who voted for Mr. Dunning were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown, of Hamil Cason, Chapman, Cullen, Culver Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—24.

Those who voted for Mr. Williams were,

Messrs. Barker, Bowman, Bradley, Brown, of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall McClurg, Mason, Moore, Newlin, Staggs and Vawter--22.

Messrs. Dunning and Williams not voting.

Mr. Dunning was declared duly elected President of the Senate.

Messrs. Williams and Beeson were appointed a committee to conduct Mr. Dunning to the chair.

Mr. Cobb offered the following resolution :

Resolved, That on account of the expense of publishing the Brevier Legislative Reports, and the imperfect manner in which the remarks of the Senators are reported, that the same be discontinued, and that the publisher thereof be informed that his services are no longer needed in the Senate.

Mr. Hanna moved to lay the resolution of Mr. Cobb on the table.

Messrs. Cullen and Cobb demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bradley, Brown of Wells, Chapman, Corbin, Culver, Douglas, Fuller, Gifford, Hanna, Hord, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Thompson, Woods, and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Beeson, Carson, Cason, Cobb, Cullen, Davis, Dykes, Hyatt, Jinkens, Marshall, Moore, Noyes, Richmond, Staggs, Terry, Vawter, Ward, Williams and Wright—20.

So the resolution lies upon the table.

The following message from the House was presented :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is respectfully requested

Engrossed House bill No. 147. A bill to amend section 6 of an act entitled "An act regarding estrays and articles adrift," approved June 16, 1852.

Engrossed House bill No. 126. A bill to amend section 5 of an act entitled, "An act to authorize the construction of levees and drains," approved June 12, 1852.

Engrossed House bill No. 88. A bill authorizing certain corporations therein named to change their corporate names.

Engrossed House bill No. 106. A bill authorizing the construction of warehouses for the inspection, storage and sale of tobacco.

The President laid before the Senate the following communications from the "Volksblatt," "Herald," "Telegraph" and "Journal:"

INDIANAPOLIS, INDIANA, }
November 16, 1865. }

MR. THOMPSON, ESQ.,

Doorkeeper of the Senate:

SIR:—The undersigned will furnish the Weekly "Indiana Volksblatt," enveloped and stamped, at eight cents per copy.

JULIUS BOETTCHER.

Editor Volksblatt.

OFFICE INDIANAPOLIS DAILY HERALD, }
INDIANAPOLIS, November 16, 1865. }

SIR:—We will furnish the Senate three copies of the "Daily Herald," viz: one copy, loose, at five cents, and two copies, enveloped and stamped, at seven cents per copy—that being the amount agreed upon between ourselves and the House of Representatives.

Very truly yours,

HALL & HUTCHINSON.

To DR. S. G. THOMPSON, Doorkeeper.

OFFICE INDIANAPOLIS DAILY JOURNAL, }
INDIANAPOLIS, November 16, 1865. }

SIR:—We will furnish the Senate three copies of the "Daily Jour-

nal," viz: one copy loose, and two copies enveloped, the former at five cents and the latter at seven cents per copy—that being the amount agreed upon between ourselves and the House of Representatives.

HOLLOWAY, DOUGLASS & Co.

DR. S. G. THOMPSON, Doorkeeper Senate.

To the Doorkeeper of the Indiana State Senate:

SIR:—I will furnish the Senate three copies of the "Daily Telegraph," enveloped and stamped, at seven cents a copy.

E. J. METZGER,

Editor Telegraph.

Mr. Oyler moved to enter into a contract with the above named papers.

Messrs. Cullen and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Fuller, Gifford, Hanna, Hord, Hyatt, Marshall, McClurg, Mason Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Thompson, Ward, Williams, and Wright—37.

Those who voted in the negative were,

Messrs. Beeson, Jinkens, Moore, Noyes, Terry, Vawter, Woods—8.

It was so ordered.

Mr. Carson moved that when the Senate adjourn, it adjourn until to-morrow morning at 9 o'clock, and that when met, bills on their first reading shall be taken up, and that committees have leave of absence to work.

Which motion prevailed.

The following resolution was offered by Mr. Mason:

Resolved, Addison M. Elkins be allowed the sum of four dollars

for aiding in cleaning up the Senate chamber after the close of last session, per order of Mr. Johnson, Ex-Doorkeeper of this Senate.

Which was adopted.

On motion,

Leave of absence was granted to Mr. Chapman until Monday.

Mr. Bradley moved to take up

Senate bill No. 201.

It was so agreed.

The bill was read a second time and referred to the Committee on Benevolent Institutions.

A bill to provide for the care and treatment of the incurable insane of the State of Indiana, and matters properly connected therewith.

Mr. Carson offered

A petition praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen and marines," &c. &c., approved March 4, 1865.

Which was referred to the Committee on Finance.

Mr. Brown, of Wells, introduced

Senate bill No. 208. An act to provide for the construction of sewers within incorporated towns, defining the powers and duties of Town Trustees in relation thereto, and to repeal all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

Mr. Bennett introduced

Senate bill No. 210. A bill apportioning Senators and Representatives.

Which was read a first time, and passed to a second reading.

Mr. Niles introduced

Senate bill No. 210. An act to amend section 584 of an act entitled "an act to revise, simplify and abridge the rules, practice, proceedings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1864.

Which was read a first time, and passed to a second reading.

Mr. Dunning introduced a petition, praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen and marines," &c., approved March 4th, 1865.

Which was referred to the Committee on Finance.

Mr. Dunning offered a petition, praying for the speedy adjustment of the Aquilla Jones' claims.

Referred to the Committee on Finance.

Mr. Oyler introduced

Senate bill No. 211. An act supplemental to an act entitled "an act to incorporate the White River Navigation Company," approved February 13th, 1851, and an act entitled "an act to amend the 3d section of an act entitled 'an act to incorporate the White River Navigation Company,' approved February 13th, 1851, and to extend the rights and privileges of said company," approved June 16th, 1852, and to further extend the rights and privileges of said company.

Which was read a first time, and passed to a second reading.

Mr. Thompson introduced

Senate bill No. 212. An act to amend section 23 of an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

On motion of Mr. Cullen,

The Senate adjourned till to-morrow morning, at nine o'clock.

FRIDAY MORNING, 9 o'clock, }
November 17, 1865. }

The Senate met.

The Journal was read and approved.

Leave of absence was granted to Mr. Bradley.

The President announced the following Committee on Apportionment of Representatives and Senators :

4th District—Cullen, Chairman.
1st District—Williams.
2d District—Bradley.
3d District—Vawter.
5th District—Bennett.
6th District—Oyler.
7th District—Hanna.
8th District—Cason.
9th District—Corbin.
10th District—Chapman.
11th District—Brown of Hamilton.

BILLS ON FIRST READING.

Mr. Wright moved to take up House bill No. 79.

Engrossed House bill No. 79. A bill to amend an act entitled "An act providing for the election and appointment of supervisors, of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Which was read the first time by sections, and,

On motion of Mr. Allison,

Was read the second time by title, and referred to the Committee on Roads.

It was so ordered.

On motion of Mr. Mason,

House bill No. 43 was taken up.

House bill No. 43. An act to repeal an act entitled, "An act to

establish Courts of Conciliation, to prescribe rules and proceedings therein, and compensation of Judges thereof," approved June 11, 1852.

Which was read a first time, and,

On motion of Mr. Mason,

Was read a second time by title, and referred to the Committee on Organization of Courts.

Message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof :

Engrossed House bill No. 124. A bill to amend section 30 of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855.

In the passage of which the concurrence of the Senate is respectfully requested.

Mr. Oyler moved to take up the resolution relating to stationery.
It was so ordered.

Mr. Cason offered the following resolution :

Resolved, That the Committee on the Organization of Courts be instructed to report, at the earliest practicable moment, a bill, or bills, reorganizing our Courts.

Which was adopted.

Mr. Hord moved to take up Senate bill, No. 196 :

"A bill concerning the writ of habeas corpus."

It was taken up and the bill ordered to be engrossed.

Mr. Cason moved that Senate bill 182, and two bills not numbered on the same subject, be referred to the Committee on the Organization of Courts.

It was so ordered.

The following "concurrent resolution" was offered by Mr. Beeson :

1st. *Resolved by the Senate of Indiana*, (the House of Representatives concurring therein,) that the Constitution of the United States ought to be so amended as to cause the representation in Congress to be apportioned among the several States according to the number of male inhabitants over the age of twenty-one years, who are by the Constitution and laws of said States respectively entitled to vote at general elections in said States.

2d. *Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure the passage of such an amendment of the Constitution of the United States as is indicated in the foregoing resolution, to be proposed to the several States for ratification.

Which "concurrent resolution,"

On motion by Mr. Cobb,

Was referred to the Committee on Federal Relations.

Mr. Hanna moved to suspend the special order and take up business in its regular order.

It was so agreed.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Thompson introduced a petition on the subject of Temperance.

Which was referred to the Committee on Temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Bonham made the following report from the Committee on Finance :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate Bill No. 202, entitled "an act making specific appropriation from the State Treasury," have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment, and when so amended, recommend its passage.

And the following section—

SEC. 4. That the sum of three thousand nine hundred and ninety-four dollars and ten cents, is hereby appropriated to pay the interest on the Vincennes University bonds for the year eighteen hundred and sixty-four. And that the further sum of five hundred and eighteen dollars and eighty-eight cents, is hereby appropriated to pay the amount accrued on failure to pay the interest on said bonds for the years 1863 and 1864. And that section four be changed to five.

The report was concurred in.

Mr. Cullen, from the Committee on Lands and Internal Improvements, made the following report :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements, to whom was referred Senate Bill No. 107, have had the same under consideration, and direct me to report the same back to the Senate, with a recommendation that the bill pass.

The report was concurred in.

Mr. Bonham introduced Senate Bill No. 205, and made the following report :

Senate bill No. 205, entitled "an act to fix the time of holding the Circuit Court in the several counties composing the seventh Judicial Circuit, and repealing all laws in conflict therewith."

MR. PRESIDENT :

The select committee, to whom was referred Senate bill No. 205, entitled "an act fixing the time of holding the Circuit Courts in the several counties composing the Seventh Judicial Circuit, and repealing all laws in conflict therewith," have had the same under consideration, and a majority of said committee have instructed me to report the same back to the Senate, and recommend its passage.

The report was concurred in.

Mr. Cobb introduced Senate bill No. 213, entitled "an act to

amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857."

Which was read a first time, and passed to a second reading.

Mr. Vawter introduced

Senate bill No. 214, entitled "a bill to define what officers shall be elected by each House of the General Assembly, and fixing the compensation, and repealing all laws inconsistent therewith.

Which was read a first time, and passed to a second reading.

Mr. Hord introduced Senate Bill No. 215. An Act to amend section seventy-seven, of an act entitled, "An Act to revise, simplify and abridge the rules, practice, pleadings and forms, in criminal actions in the Courts of State," approved June 17, 1852, and declaring when the same shall take effect.

Which was read a first time, and passed to a second reading.

Mr. Hanna introduced Senate Bill No. 216. An Act to repeal sections forty-three and forty-four of an act entitled, "An Act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contests thereof," approved May 31, 1852.

Which was read a first time by sections, a second time by title, and referred to the Committee on the Judiciary.

Mr. Cullen introduced Senate Bill No. 217. An Act to amend section 384 of an act entitled, "An Act to allow County Commissioners to organize turnpike companies where three-fifths of the persons representing the real estate within prescribed limits petition for the same; and to levy a tax for its construction, and provide for the same to be free."

Which was read a first time by sections and second time by title, and referred to the Committee on Roads.

Mr. Hyatt introduced Senate Bill No. 218. An Act to amend an act entitled, "An Act to discourage the keeping of useless and sheep-

killing dogs, and providing penalties for violation of any of the provisions of said act by officers and others; and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled, "An Act for the protection of sheep," approved June 15th, 1852.

Which was read a first time and passed to a second reading.

Mr. Ward introduced Senate Bill 219. An act defining who shall be competent witnesses to testify in any court of judicial proceeding in this State, and to repeal all laws, or parts of laws, in conflict with the provisions of this act.

Which was read a first time and passed to a second reading.

Mr. Bennett introduced Senate Bill No. 220. An act disqualifying certain persons, herein enumerated, from voting at elections in this State, and prescribing penalties for violations hereof; and providing when the same shall take effect.

Which was read a first time and passed to a second reading.

Mr. Vawter moved to take up the following message from the House, by their Clerk, Mr. Nixon.

Which was agreed to.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has adopted the following concurrent resolution, to-wit:

Be it resolved by the House of Representatives, (the Senate concurring.) That that portion of the Governor's Message which refers to the Public Debt, be referred to a Joint Committee of both Houses, to consist of the Committee of Ways and Means on the part of the House, to which four members shall be added and the Committee of Finance on the part of the Senate, to which two members shall be added; and that Committee shall have power to send for persons and papers.

Mr. Bonham introduced

Senate Bill No. 221. Entitled "an act for the punishment of officers of elections" for receiving "illegal" votes.

Which was read a first time and passed to a second reading.

Mr. Hord introduced

Senate Bill No. 222. "An act to repeal all laws now in force establishing the time of holding Circuit Courts in the First Judicial Circuit to fix the times of holding said Courts, requiring all persons to take notice thereof, providing for the return of process and declaring when this act shall take effect."

Which was read a first time and passed to a second reading.

Mr. Bennett introduced

Senate Bill No. 223. Entitled a bill to authorize married women, under the age of twenty-one years, to join in the conveyance of the lands of their husbands, in certain cases, and to repeal all laws, and parts of laws inconsistent therewith.

Which was read a first time and passed to a second reading.

Mr. Bonham introduced

Senate Bill No. 224. "An act to amend section 75 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State.

Which was read a first time and passed to a second reading.

Mr. Hord introduced

Senate Bill No. 225. "An act providing for the taking of depositions of parties to civil actions in their own behalf, and declaring when the same shall take effect."

Which was read a first time and passed to a second reading.

Mr. Bennett introduced

Senate Bill No. 226. "An act to amend sections 10, 12, 13, 14, 15, 16, 17, 18, 21, and 22 of an act entitled an act regulating fees of officers and repealing former acts in relation thereto," approved March 2, 1855, and providing when the same shall take effect.

Which was read a first time and passed a second reading.

Mr. Bennett moved to read a second time by title and refer to a select committee of five.

It was so agreed.

Mr. Carson asked, and obtained, leave of absence for next week.

Mr. Richmond moved to take up

Senate Bill No. 152. "An act to amend section seven of an act entitled an act touching the laying out, vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and rescinding of plats of said towns, and providing for the change of the names of such towns," approved May 20, 1852.

The bill was taken up, read a second time and referred to the Committee on Corporations.

Engrossed Senate Bill No. 27. "an act to amend section four of an act entitled an act, prescribing certain misdemeanors punishable only by a Justice of the Peace," approved June 7, 1852.

Was read a second time and ordered to be engrossed.

Senate Bill No. 87. "An act to amend the 17th section of an act entitled an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31st, 1852.

Which was read a second time and ordered to be engrossed.

Senate Bill No. 106. "An act to amend section 119 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State," approved June 17th, 1852, so far as to strike out so much thereof as requires the appellee to pay the costs of the appeal, when the decision of the Court below is decided to be erroneous.

Which was read a second time and ordered to be engrossed.

Mr. Cobb moved to take up Senate bill No. 202, an act making specific appropriations from the State Treasury.

It was so ordered.

Mr. Cobb moved to consider Engrossed Senate bill No. 202 and that it be read a third time now.

It was so agreed.

Bill No. 202 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown, of Hamilton, Carson, Cason, Cobb, Cullen, Culver, Davis, Dunning, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams and Woods—37.

Mr. Vawter voted in the negative.

So the bill passed.

The title of the bill was then read and approved.

Mr. Niles offered the following resolution :

Resolved, That W. H. Drapier be allowed mileage and five dollars a day for three days' service as Journal Clerk, in the organization of the present session of the Senate, and that the Auditor of State draw his warrant on the Treasury for the same.

Which resolution was adopted.

Mr. Branham moved to take up the resolution concerning statutes. It was so agreed.

The resolution was then adopted.

Mr. McClurg introduced

Senate bill No. 227. An act for the relief of Isaac D. Armstrong, Treasurer of the county of Clinton, in the State of Indiana.

Which was read a first time by title only, and referred to a Select Committee of five, empowered to send for persons and papers.

Mr. Carson moved that House bills on first reading be made the special order for 2 o'clock, P. M., to-day.

It was so agreed.

Mr. Thompson moved to take up Senate bill No. 199. An act to
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amend "an act to incorporate the Indianapolis Insurance Company," approved February 8th, 1836.

Which was read a second time, and referred to a Select Committee.

Mr. Gifford moved to take up Senate bill No. 72, entitled a bill prescribing the form of deed that may be used by Sheriffs and Coroners.

Which was taken up and referred to the Judiciary Committee.

Mr. Bennett moved to take up Senate bill No. 198, entitled "an act repealing an act for the relief of the families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in hospitals, in the State and United States service, and of those who have died or been disabled in such service; and prescribing the duties of certain officers therein named, and providing for the collecting and disposition of taxes levied in pursuance thereof for the year 1865, and providing when the same shall take effect," approved March 4th, 1865.

Which was taken up, read a second time, and referred to a Select Committee of five.

Mr. Cullen moved to take up

Senate bill No. 197, entitled, "An act to repeal an act for the relief of 'Soldiers, Seamen and Marines, and sick and wounded Indiana Soldiers in hospital in the State and United States,' and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named," approved March 4, 1865.

Which was taken up, read a second time, and referred to a select committee of five.

Mr. Milliken moved to take up

House Joint Resolution No. 11. A joint resolution for the relief of George W. Archer, refunding to him the purchase money and interest thereon, paid for certain real estate, sold as swamp lands by the State, when the title was in one Michael John.

Which was taken up, read a second time, and referred to the Committee on Finance.

Mr. Cobb introduced

Senate bill No. 228. An act to amend an act entitled, "An act to provide for the uniform mode of doing township business, prescribing

ing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Which was read a first time and passed to a second reading.

On motion of Mr. Richmond,
The Senate adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The Senate met.

On motion of Mr. Beeson,

Mr. Van Buskirk was granted leave of absence until Monday next,
at 2 o'clock P. M.

The President announced the following special committees :

On Fees and Salaries—Senators Bennett, Wright, Dykes, Moore and Gifford.

On Senate Bill No. 198—Senators Bennett, Cullen, Cobb, Richmond and Williams.

On Senator McClurg's Bill for Relief of County Treasurer of Clinton County—Senators McClurg, Corbin, Beeson, Mason and Reagan.

On Senate Bill No. 199—Senators Thompson, Hord and Niles.

SENATE BILLS ON SECOND READING.

Mr. Dykes moved to take up Senate bill No. 51.

It was taken up and read a third time.

Engrossed Senate bill No. 51. A bill to amend the 63d section of an act entitled, "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to township libraries, and for the regulation thereof," approved March 5, 1855.

The question being, shall the bill pass?

On motion,
It was indefinitely postponed.

Mr. Niles moved to take up Senate bill No. 210, an act to amend section 584 of an act entitled "an act to revise, simplify and abridge the rules, practice, proceeding and forms in civil cases in the Courts of the State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equality, approved June 18, 1852.

It was so ordered.

The bill was read a second time, and referred to the Judiciary Committee.

Mr. Oyler moved to take up Senate bill No. 211, entitled "an act supplemental to an act entitled 'an act to incorporate the White River Navigation Company, approved February 13, 1851,' and an act, entitled 'an act to amend the third section of an act entitled an act to incorporate the White River Navigation Company, approved February 13th, 1851, and to extend the rights and privileges of said Company, approved June 16, 1852, and to further extend the rights and privileges of said Company.

It was so ordered.

The bill was read a second time by title, and referred to the Committee on Corporations.

Mr. Brown of Wells moved to take up Senate bill No. 208, an act to provide for the construction of sewers within incorporated towns defining the powers and duties of the Board of Township Trustees in relation thereto, and to repeal all laws in conflict therewith.

Read a second time by title, and referred to the Committee on Rights and Privileges.

The President laid before the Senate the following communication from the Governor :

Gentlemen of the Senate :

I regret to have to announce to you that ill health compels me for a time to withdraw from the discharge of official duties. I am advised by my physicians, and by my own knowledge of the condition of my health, that I must withdraw from the discharge of my duties March 4, 1852; and to change the form of the oath of Grand Jurors.

Which was read by title and referred to the Committee on Organization of Courts.

tion of my health, that I cannot safely continue in the performance of the labor incident to the Executive Office, and that rest, a change of climate and locality is necessary to my recovery. The duties of the office during my absence will devolve upon Lieutenant Governor Baker, and I need not say to you that they cannot be placed in abler or safer hands. I have known him long and well, and can testify that in every department of life in which he has been placed, he has acquitted himself with distinguished ability, fidelity, and devotion to the cause of his country.

I hope and believe that your session will prove alike honorable to yourselves, and profitable to the State. It has begun under favorable auspices, and gives promise of being one of the most laborious and useful General Assemblies which has convened in this State for many years. For the kindness and consideration you have shown to me, on all occasions, I return you my grateful thanks. And for your health and prosperity, each and all, accept my most earnest wishes.

O. P. MORTON,

Governor of Indiana.

Mr. Brown of Wells moved to receive the message, reciprocating the kind wishes of the Governor, and that the message be spread upon the Journal.

It was so ordered.

Mr. Thompson read the following letter upon the subject of the Governor's health.

INDIANAPOLIS, INDIANA, }
November 10, 1865. }

Gov. O. P. MORTON,

DEAR SIR:—As your physician I deem it my duty to announce to you in this letter, that I have, for some time past, entertained serious apprehensions in relation to your present disordered health. I have been your physician for several years, and been deeply interested and alarmed at the gradual approach and progress your disease has made for many months past. The disease under which you have been suffering is *Paraplegia*, and when it becomes thoroughly established in the system, consequences of the most distressing character

must follow. This form of malady is clearly indicated in your case, by the heaviness and numbness, as well as the stiff and awkward motion of your lower limbs. It has gradually increased for some time past, resisting all remedies administered, and if not soon arrested, may render your limbs useless, and confirm you a cripple for life. The causes of your illness may, I think, be clearly traced to the great mental and physical exertions you have made during the last five years, in the discharge of the onerous and perplexing duties of your office as Governor of the State, and, I doubt not, indicate the main treatment to be pursued by you in order to recover your lost health. My opinion is that your restoration can only be found in your immediate and absolute withdrawal from the performance of all official duties, and that your mind and body must have rest and time to regain their accustomed vigor, if you would avoid the fate of patients laboring under a confirmed state of this fearful disease. To afford you ample time and the requisite remedies to recover your health, I advise you to immediately withdraw from the transaction of all public business, and make the tour of Europe. This journey will remove you from the field on which you have expended so much health and strength, in struggling to save your country, and will introduce you to new scenes and measures, which will sustain an agreeable, but not excessive mental excitement. I confidently believe that your return to health and future usefulness will, in a very great degree, depend on your prompt compliance with the above recommendations.

If so, after a few months absence, I shall confidently expect you will return from your tour a sound man, to act your part in upholding and enjoying the Union and the country for which you have made such large sacrifices.

I have the honor of subscribing myself

Your friend and physician,

W. CLINTON THOMPSON.

Mr. Cobb moved that the letter be spread upon the journal.

It was so ordered.

Mr. Hord moved to take up

Engrossed Senate bill No. 196, entitled "a bill concerning the writ of *habeas corpus*."

The bill was taken up and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, and Wright—42.

Mr. Vawter only, voting in the negative.

So the bill passed.

The bill was then read and approved.

Mr. Bennett moved to take up

House bill No. 153, and it was so ordered, and, on his motion,

It was indefinitely postponed.

Mr. Niles moved to take up

Engrossed Senate bill No. 160, entitled "An act ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States for the preparation of troops for the service of the United States, and for the defense of the State, and directing him to pay the unexpended balance into the Treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State;"

And, on his motion, it was indefinitely postponed.

Engrossed House bill No. 12:

A bill to amend the first section of an act, entitled "An act for the protection of religious meetings, agricultural fairs and other lawful assemblages of the people," approved March 3, 1859;

Read first time by sections, a second time by title, and referred to Committee on the Judiciary.

House bill No. 27, entitled "An act to legalize the acknowledgment of all deeds, mortgages and other instruments registered to be recorded, taken and certified by Notaries Public who took and certified such acknowledgments after the expiration of their commissions;"

Which was read a first time by sections, a second time by title, and referred to the Judiciary Committee.

Engrossed House bill No. 29, entitled "An act to amend section 15 of an act entitled 'An act concerning inclosures, trespassing animals and partition fences;'"

Which was read a first time by sections, a second time by title, and was referred to Committee on Agriculture.

Engrossed House bill No. 32, "A bill to provide for taking the depositions, affidavits and acknowledgments of persons in the military or naval service of the United States, and for administering oaths to such persons;"

Which was read a first time by sections, a second time by title, and referred to the Judiciary Committee.

Engrossed House bill No. 52, "A bill to render uniform the assessment of personal property in the several townships of the different counties;"

Which was read a first time by sections, a second time by title, and referred to Committee on County and Township Business.

House bill No. 53, "A bill to amend section 14 of an act, entitled 'An act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act,'" approved Feb. 18, 1859;

Read the first time by sections, a second time by title, and referred to the Committee on County and Township Business.

Engrossed House bill No. 57, entitled a bill to amend section 784 of the Practice Act.

Which was read a first time by sections, and a second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 58. A bill to amend the 5th and 6th sections of an act regulating interest of money, and to repeal an act entitled, "An act concerning interest on money," approved May

27, 1852; the 51st section of the "Act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852; and all other laws, and parts of laws, in conflict with this act. Approved March 7, 1861.

Which was read a first time by section, a second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 62. A bill empowering incorporated cities and towns to plant and maintain shade trees along the streets, alleys, public squares and commons, thereof, and to provide for the protection of the same at the expense of the adjoining property holders.

Read a first time by sections, a second time by title, and referred to the Committee on Corporations.

House bill 64. A bill to amend the 406th section of an act entitled, "An act to revise, simplify and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time by sections, a second time by title, and referred to the Committee on Judiciary.

Engrossed House bill No. 67. A bill to entitle attorneys to hold liens on judgments.

Which was read a first time by section, a second time by title, and referred to the Committee on Benevolent Institutions.

Engrossed House bill No. 68. A bill authorizing Boards of County Commissioners in this State to make donations and receive subscriptions for the purpose of erecting a monument to the memory of those from their several counties who have lost their lives in the war for the restoration of the Union.

Read a first time by sections, a second time by title, and referred to the Committee on Military Affairs.

House bill No. 75. Entitled a bill to empower railroads to construct branches to neighboring coal mines.

Which was read a first time by sections, a second time by title, and referred to the Committee on Canals and Internal Improvements.

Engrossed House bill No. 78. A bill to provide for the sale of lands belonging to the State of Indiana, in the counties of Jasper and Newton, and to give pre-emption to actual settlers thereon.

Which was read a first time by section, a second time by title, and referred to the Committee on Finance.

House bill No. 119, entitled "a bill to establish and create a State Normal School, and matters connected therewith,"

Which was read a first time by section and a second time by title, and referred to Committee on Education.

House bill No. 137, entitled "a bill providing for voting by electors of the States absent in the military or naval service of the United States, or in consequence thereof directing the methods by which it shall be done, and prescribing punishments for violating any of the rights or privileges secured by this act."

Which was read a first time by sections, a second time by title and referred to Committee on Elections."

House bill No. 199. "An act to provide for the distribution of the interest on the School Sinking and Trust Funds of this State, held for the support of common schools, to repeal all laws in conflict therewith, and declaring an emergency,"

Which was read a first time by section, second time by title, and, by suspending the rules, read third time and passed.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Corbin, Cullen, Culver, Davis, Douglas, Dunning, Dykes, English, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods and Wright—39.

Mr. Vawter being the only one who voted in the negative.

So the bill passed.

The title was then read and approved.

Mr. Bennett moved that when the Senate adjourn, it be until to-morrow morning at 9 o'clock.

It was so ordered.

Mr. Ward moved to take up

Senate bill No. 219. "An act defining who shall be competent witnesses to testify in any court or judicial proceeding in this State, and to repeal all laws, or parts of laws, in conflict with the provisions of this act."

Read a first time by sections, a second time by title, and referred to Committee on Rights and Privileges.

Mr. Bennett moved to take up

Senate bill No. 204. "An act in relation to witnesses, and to repeal an act entitled 'an act in relation to witnesses,' and to repeal section 238, of article 13, of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in certain cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," which took effect March 17, 1861: and to repeal section one of an act entitled "an act to prohibit the evidence of Indians and persons having one-eighth or more negro blood, in all cases, where white persons are parties in interest," approved February 14, 1853, and providing when the act shall take effect and be in force.

Which was read a second time by title, and referred to the Committee on Judiciary.

Mr. Cason moved to take up

Senate bill No. 107, entitled an act authorizing certain persons therein named to dig and construct a certain canal.

Which was read by title a second time and referred to the Committee on Canals and Internal Improvements.

Engrossed Senate bill No. 121. An act to amend section 14 of an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, approved February, 1859.

Which was read a second time by title and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 124, entitled an act to enforce the Constitution of the State of Indiana.

Which was read by title and referred to the Committee on Judiciary.

Engrossed Senate bill No. 136. An act to amend section 8 and 11 of an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act: approved February 18, 1859, and declaring an emergency.

Read by title and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 138, entitled an act amending section 30 of an act regulating fees of officers, and repealing former acts in relation thereto: approved March 2, 1855.

Which was read by title and referred to the Committee on Fees and Salaries.

Engrossed Senate bill No. 140. An act to amend section 8 of an act entitled, "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers: approved June 7, 1852.

Read by title and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 148, entitled an act to amend the 16th and 88th sections of the act entitled, "An act providing for the settlement of decedents' estates," prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements.

Read by title and referred to the Committee on Judiciary.

Engrossed Senate bill No. 149, entitled an act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the "State" against the United States.

Which was read by title and referred to the Committee on Finance.

Engrossed Senate bill No. 156. An act to amend the 14th section of the act entitled, "An act to limit the number of Grand Jurors, and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, approved

Engrossed Senate bill No. 157, entitled an act to repeal an act entitled "An act to enforce the 13th article of the Constitution," approved June 18, 1852.

Which was read by title and referred to Committee on Judiciary.

Engrossed Senate bill No. 161. A bill requiring the Boards of County Commissioners in the several counties of the State of Indiana to examine the books, papers and vouchers, of any officer in their respective counties who may be charged with having received a greater amount of fees than he is legally entitled to receive; to determine the amount thereof, if any, and to cause suit to be brought for its recovery, and declaring an emergency.

Which was read by title and referred to the Committee on County and Township Business.

Engrossed Senate bill No. 170. An act to authorize Trustees to sell and convey trust estates, and to reinvest the proceeds thereof.

Which was read by title and referred to Committee on Judiciary.

Mr. English moved to take up

Engrossed Senate bill No. 171. A bill to reimburse Samuel H. Patterson, late lessee of the Indiana State Prison, for money expended by him on account of work and labor rendered by sundry convicts during said Patterson's lease of said prison.

Read by title and referred to the Committee on Finance.

Engrossed Senate bill No. 172, entitled an act prescribing the manner in which taxes shall be levied and collected by the authorities of incorporated cities and towns upon the property of railroads, banks and other corporations, situated or being within such cities or towns.

Which was read by title and referred to Committee on Judiciary.

Mr. Niles introduced

Engrossed Senate bill No. 174. An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency.

Read by title and referred to the Committee on Agriculture.

Engrossed Senate bill No. 175. An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and for mutual protection, and repealing all laws inconsistent therewith.

Which was read by title and referred to the Committee on Corporations.

A message from the House, by their clerk, Mr. Nixon :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof :

Engrossed House bill No. 121. A bill to cure defective acknowledgments of deeds in certain cases.

Engrossed House bill No. 135. An act to amend the 651st section of the act entitled, "An act to revise, simplify and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform manner, pleadings and practice without distinction between law and equity," passed June 18, 1852.

Engrossed House bill No. 186. A bill declaring the laws now in force sufficient to authorize the payment of the semi-annual installments of interest on the public debt, authorizing the payment thereof as the same may become due, declaring specific appropriations therefor unnecessary and providing for the punishment of any violation of the requirements of said act.

Also the following :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolutions, in which the concurrence of the Senate is respectfully requested :

Resolved, That we have learned with unfeigned regret that his

Excellency, Gov. O. P. Morton, has been compelled, by severe indisposition to withdraw for the time from the arduous duties of Executive of the State, and to seek a restoration of health in a temporary absence.

Resolved, That we deeply sympathize with him in his affliction, and confidently trust that he may be speedily restored to his accustomed health, and that at an early day, he may resume again his official connection with us as chief magistrate of our State.

Resolved, That the concurrence of the Senate is hereby requested.

Resolved, That a certified copy of the above resolutions be delivered to his Excellency before his departure from the State.

Mr. Hanna moved to take up the latter message from the House.

Mr. Bennett moved to concur with the resolutions.

It was unanimously agreed to.

Mr. Newcomb asked and obtained a leave of absence.

On motion of Mr. Bonham,

The Senate adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
November 18, 1865. }

The Senate met.

Mr. Beeson asked and obtained leave of absence for the Joint Committee on Public Debt.

On motion of Mr. Gifford,

The reading of the journal was dispensed with.

Mr. Davis asked and obtained leave of absence until Monday next.

Mr. Brown asked and obtained leave of absence until Monday next.

Mr. Hord asked and obtained leave of absence until some time next week.

Mr. Woods presented a petition praying for the repeal of "an act for the relief of the families of soldiers, seamen, and marines," &c., approved March 4, 1865,

Which was referred to Committee on Finance.

Mr. Brown, of Wells, presented a petition praying for the repeal of "an act for the relief of the families of soldiers, seamen and marines," &c., approved March 4, 1865.

Referred to Committee on Finance.

Mr. Allison introduced

Senate bill, No. 229, an act entitled "an act supplemental to 'an act approved March 5, 1859, authorizing the purchases of railroads, plank roads and turnpike roads, under mortgage sale, or sale made according to the terms of their trust, to organize as incorporated companies, and prescribing their powers and duties,'"

Which was read a first time and passed to a second reading.

Mr. Williams introduced

Senate bill No 230. An act in relation to the organization of the Senate and House of Representatives.

Read a first time, by sections, and passed to second reading.

Mr. McClurg introduced

Senate bill No. 231. An act to legalize and declare valid and effectual all the orders, judgments and other proceedings, made, rendered and had, by and before the Common Pleas court, of Clinton county, in this State, held in the court house of said county, in the months of October and November, in the year one thousand eight hundred and sixty-five, and then and there, by and before the several judges of the said court.

Which was read a first time, and assented to a second reading.

By leave of the Senate Mr. Wright introduced

A petition on the subject of Temperance, which was referred to the Committee on Temperance.

SENATE BILLS ON SECOND READING.

Mr. Thompson moved to take up

Engrossed Senate bill No. 179. An act fixing the salaries of the Superintendent of the Insane, the Superintendent of the Deaf and Dumb, and the Superintendent of the Blind in this State, and repealing parts of laws, in conflict therewith,

Was read a second time by title only, and referred to Committee on Benevolent Institutions.

Senate bill No. 186. An act to define the rights of parties to joint contracts in which judgment has been rendered against a part of the makers of each contract, but not against all,"

Which was read by title and referred to the Committee on the Judiciary.

Mr. Allison moved to take up

Engrossed Senate bill No. 187. An act to amend sections three and fifty-three, of "an act entitled an act, to reduce the law incorporating the city of Madison, and the several acts amendatory thereto into one act, and to amend the same," approved February 14, 1848.

Read second time by title only, and referred to Committee on the Judiciary.

Engrossed Senate bill No. 188. A bill to amend the first and second sections of an act entitled "an act fixing the time of holding the Circuit Court in the First Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summonses and process, returnable thereto," approved March 7, 1861, so far as relates to the county of Jefferson,

Which was read by title, and

On motion of Mr. Allison, was laid on the table.

Mr. Culver moved to take up

Senate bill No. 189. An act to apportion Senators and Representatives for the next four years, was read a second time by title only, and referred to Committee on Apportionment.

Engrossed Senate bill No. 194. A bill requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriations therefor.

Which was read by title and referred to the Committee on Agriculture.

Senate bill No. 200, entitled an act supplemental to "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties, of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1862.

Which was read by title and referred to Committee on Judiciary.

Senate bill No. 203, entitled an act to authorize suits to be brought and executed to issue by and against firms or partnerships in the firm or partnership name.

Which was read a second time by title and referred to Committee on Judiciary.

Mr. Oyler moved to take up Senate bill No. 206. An act supplemental to an act entitled "an act to authorize, regulate and confirm, the sale of railroads, to enable purchasers of the same to form corporations and to exercise corporate powers, and to define their rights, power and privileges; to enable such corporations to purchase and contract connecting and branch roads, and to operate and maintain the same," approved March 3, 1865.

Read a second time by title only, and referred to the Committee on Corporations.

Mr. Niles introduced

Senate bill No. 207. An act in regard to lot one, in block eighty-eight, in the city of Indianapolis, owned by the State.

Which was read a second time by title and referred to the Committee on Finance.

Senate bill No. 209, entitled a bill apportioning Senators and Representatives.

Which was read a second time by title and referred to a Select Committee on Apportionments.

Mr. Thompson moved to take up

Senate bill No. 212. An act to amend section 23 of an act entitled

“an act for the incorporation of Insurance Companies, defining their power and prescribing their duties,” approved June 17, 1852.

Read a second time by title only, and referred to Committee on Judiciary.

Mr. Cobb moved to take up

Senate bill No. 213. An act to amend section 33 of an act entitled “an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which they may exercise the same, and to regulate such matters as properly pertain thereto,” approved March 9, 1857.

Read a second time by title only, and referred to the Committee on Corporations.

Senate bill No. 214, entitled a bill to define what officers shall be elected by each House of the General Assembly, and fixing their compensation, and repealing all laws inconsistent therewith.

Which was read a second time by title and referred to the Committee on Finance.

Mr. Hord introduced

Senate bill No. 215. An act to amend section 77 of an act entitled “an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in criminal actions in the courts of this State,” approved June 15, 1852, and declaring when the same shall take effect.

Which was read a second time by title and referred to the Committee on the Judiciary.

Senate bill No. 218, entitled “An act to amend an act entitled an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11th, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act, entitled an act for the protection of sheep, approved June 15th, 1852,” approved March 2d, 1865.

Which was read a second time by title, and referred to the Committee on Agriculture.

Mr. Bennett moved to take up

Senate bill No. 220. A bill disqualifying certain persons herein enumerated from voting at elections in this State, and prescribing penalties for violations hereof, and providing when the same shall take effect.

Read a second time by title only, and referred to the Committee on Elections.

Mr. Bonham introduced

Senate bill No. 221. "An act for the punishment of officers of elections for receiving illegal votes."

Which was read a second time by title, and referred to the Committee on Elections.

Mr. Hord introduced

Senate bill No. 222. "An act to repeal all laws now in force establishing the times of holding Circuit Courts of the 1st Judicial Circuit, to fix the time of holding said courts, requiring all persons to take notice thereof, providing further return of process, and declaring when this act shall take effect."

Which was read by title, and referred to a select committee from that judicial district, viz.: Messrs. Hord, Allison, Downey, Hyatt and Vawter.

Mr. Bennett moved to take up

Senate bill No. 223. A bill to authorize married women, under the age of twenty-one years, to join with their husbands in the conveyance of his real estate in certain cases, and repealing all laws and parts of laws inconsistent therewith.

Read a second time by title only, and referred to the Committee on the Judiciary.

Senate bill No. 224, entitled "An act to amend section seventy-six (76) of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions of this State."

Which was read a second time by title, and referred to the Committee on the Judiciary.

Mr. Allison moved to reconsider the vote on referring Senate bill No. 214, to the Committee on Finance.

Which was agreed to.

Mr. Vawter moved to refer the bill to a select committee of five.
Which was agreed to.

Mr. Hord introduced

Senate bill No. 225. An act providing for the taking of depositions of parties to civil actions in their own behalf, and declaring when the same shall take effect.

Which was read a second time by title, and referred to the Committee on the Judiciary.

Mr. Cobb introduced

Senate bill No. 228. "An act to amend an act, entitled an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection thereto, and to repeal all laws conflicting with this act," approved Feb. 18th, 1859.

Which was read a second time by title, and referred to the Committee on County and Township Business.

The President announced the following changes in the Standing Committees :

To the Committee on the Judiciary, add Mr. Allison.

To the Committee on Federal Relations, add Mr. Reagan.

To the Committee on Education, add Mr. Ward.

To the Committee on Rights and Privileges of the Inhabitants of the State, add Mr. Terry.

To the Committee on Elections, add Mr. Cullen.

To the Committee on State Prisons, add Mr. Richmond in the place of Mr. Peden.

The Senate concurred in the appointments.

Mr. Dunning asked that a motion be made relieving him from duty on committees.

Mr. Brown of Wells, made the motion.

Which was agreed to.

On motion by Mr. Allison,

Senate bill No. 229, was read by title only, and referred to the Committee on the Judiciary.

The President announced the following committee on Senate bill No. 214:

Messrs. Vawter, Williams, Noyes, Niles, and Beeson.

Mr. Vawter moved that when the Senate adjourn, it adjourn to meet on Monday at 2 o'clock P. M.,

Which was agreed to.

On motion of Mr. Allison,

The order of reading bills the third time was dispensed with.

On motion of Mr. Brown of Wells,

The Senate adjourned.

MONDAY AFTERNOON, 2 O'CLOCK P. M., }
November 20, 1865. }

The Senate met.

A message was received from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate, to Engrossed House bill No. 199, entitled "an act to provide for the distribution of the interest on the School, Sinking and Trust Funds, of this State, held for the support of common schools, to repeal all laws in connection therewith, and declaring an emergency."

I am also directed to inform the Senate that the House has passed, without amendment, the following engrossed bill of the senate, to-wit:

Engrossed Senate bill No. 202. An act making a specific appropriation from the State Treasury.

The journal was read and approved.

The President laid before the Senate the following communication from Lieut. Governor Conrad Baker :

To the President of the Senate :

Charles P. Jacobs, Esq., Private Secretary, is authorized, as heretofore, to make Executive communications to the General Assembly.

CONRAD BAKER,

Lieut. Gov., acting as Gov.

November 20, 1865.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Niles moved to suspend the order of business, and take up Senate bill No. 207, which was agreed to.

Mr. Niles moved to withdraw the bill from the files,
Which was agreed to.

Mr. McClurg offered a petition praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen, marines" &c., approved March 4, 1865,
Which was referred to the Committee on Finance.

Mr. Brown, of Hamilton, offered the following petition, praying that the law be so changed as to the sale of spiritous liquors, that no license shall be granted in a city or township, where a majority of the legal voters remonstrate against it,
Which was referred to the Committee on Temperance.

Mr. Douglas offered a petition, praying for the repeal of an act entitled "an act for the relief of families of soldiers, seamen and marines," &c., approved March 4, 1865,
Which was referred to the Committee on Finance.

Mr. Thompson offered a petition praying for the repeal of an act entitled "an act for the relief of families of soldiers, seamen and marines," &c., approved March 4, 1865,
Which was referred to the Committee on Finance,

Mr. Allison presented the following petition from the Common Council of the City of Evansville, viz :

“To allow the Common Council power to take stock in any chartered company for making roads, of any kind, and to provide water and gas for public and private consumption in said city,”

Which was referred to the Committee on Corporations.

Mr. Ward offered the following petition praying that there be a law speedily enacted, with proper penalties, requiring all railroad companies within this State, to place suitable guards or blocks upon the rails of the side tracks, along their respective roads, at such distance from the switches connecting with the main track, as will make a space, of at least five feet, between the side and main track; the guards or blocks to be of sufficient height to prevent cars while standing on such side track, from running out into the switch, either by force of wind or by the declivity in the track, thus preventing collision with passing trains, and securing human life,

Which was referred to Committee on Canals and Internal Improvements.

A message was received from the Governor, accompanied with a bill on the subject of the Sanitary Commission.

Mr. Cobb moved to refer the message and bill to a select committee consisting of one member from each Congressional District.

Mr. Hanna moved to amend by having 500 copies of the message and bill printed.

Which was agreed to.

The question being on the motion to refer the message and bill to a select committee.

It was so agreed by consent.

RESOLUTIONS.

Mr. Dykes introduced the following resolution :

Resolved, That the Doorkeeper of the Senate be directed to contract for and place upon the desks of the members of the Senate one copy of the Evening Gazette.

Messrs. Oyler and Dykes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Cullen, Dykes, English, Hanna, Marshall, McClurg, Mason, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Wood, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, Corbin, Douglas, Finch, Fuller, Gifford, Hyatt, Moore, Staggs, Vawter and Williams—13.

So the resolution was adopted.

Mr. Bonham introduced the following resolution:

Resolved, That the Librarian be instructed to furnish each Senator with three dollars worth of postage stamps.

Mr. Oyler moved to amend by adding the words "and charge to the stationery account of Senators."

Mr. Bennett moved to lay the amendment on the table.

Messrs. Bennett and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown, of Hamilton, Cason, Cobb, Corbin, English, Finch, Hanna, Marshall, McClurg, Mason, Moore, Newlin, Niles, Staggs, Terry, Thompson, Van Buskirk, Vawter and Mr. President—22.

Those who voted in the negative were,

Messrs. Barker, Cullen, Douglas, Dykes, Fuller, Gifford, Hyatt, Noyes, Oyler, Reagan, Richmond, Ward, Williams, Woods and Wright—15.

So the amendment lies on the table.

The question being on the adoption of the original resolution,

Messrs. Bonham and Hyatt demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown, of Hamilton, Cason, Corbin, Douglas, Finch, Gifford, Hanna, Marshall, McClurg, Mason, Moore, Newlin, Niles, Reagan, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, Cullen, Dykes, English, Fuller, Hyatt, Noyes, Oyler, Richmond, Woods and Wright—13.

So the resolution was adopted.

Mr. Moore offered the following resolution :

Resolved, That the Committee on the Judiciary inquire into the expediency and propriety of reducing by law, the fare on railroads of this State, so as not to exceed three cents per mile, with leave to report by bill or otherwise.

Which was adopted, and on motion,

Referred to the Committee on the Judiciary.

Mr. Bonham introduced the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of limiting the number of Justices of the Peace to three in each county, to be districted for that purpose, and extend their jurisdiction in civil actions co-extensive with their respective counties, and report by bill or otherwise.

Which resolution was adopted.

Mr. Cobb made the following report from the Select Committee on Senate bill No. 165 :

MR. PRESIDENT :

The Select Committee, to whom was referred Senate bill No. 165, an act to amend the first and second sections of an act entitled, "an act to regulate the mileage of Sheriffs in conveying convicts to the State Prison; and of County Treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," have had the same

under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

The bill (165) was read a second time and ordered to be engrossed.

Mr. Thompson asked and obtained leave to introduce the following report from the Select Committee on Senate bill No. 199 :

MR. PRESIDENT :

The Special Committee, to whom was referred Senate bill No. 199, entitled an act to amend section one of an act entitled "an act to incorporate the Indianapolis Insurance Company," approved February 8, 1836, have had the same under consideration, and report it back to the Senate and recommend its passage.

The question being upon the third reading of the bill,

Mr. Niles moved to refer it to the Committee on Corporations.
Which was agreed to.

A message was received from the Governor by Mr. Jacobs, his private secretary, relating to Benevolent Institutions and State Prisons.

Mr. Allison moved that 200 copies of the message and documents be printed for the use of the Senate.
Which was agreed to.

Mr. Oyler moved to commit to the proper committee, with instructions.
Which was agreed to.

Mr. Moore offered the following resolution :

Resolved, That the Committee on Finance be instructed to inquire into, and report to this Senate, whether or not Government Bonds are taxed by the laws of this State, and if, in their opinion, they are not, that they report a bill taxing the same, as other property.

Mr. Oyler moved to amend by referring to the Judiciary Committee, which was accepted.

Mr. Mason introduced the following amendment :

That the resolution be amended, by the Secretary, so as to request

the Committee on the Judiciary—should they think the bonds referred to taxable—to report by bill to this Senate, taxing the same.

Mr. Bennett moved to lay the whole subject on the table.

Messrs. Bennett and Vawter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Brown of Hamilton, Cason, Dykes, Hyatt, Noyes, Oyler, Reagan, Terry, Thompson, Van Buskirk, Ward, Woods—14.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Niles, Richmond, Staggs, Vawter, Williams, Wright, and Mr. President—25.

So the resolution and amendment do not lie on the table.

Mr. Williams moved to lay the amendment of Mr. Mason on the table.

Messrs. Oyler, and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bowman, Brown of Hamilton, Cobb, Corbin, Douglas, Finch, Fuller, Hanna, Jinkens, Marshall, Moore, Staggs, Thompson, Vawter, and Williams—17.

Those who voted in the negative were,

Messrs. Allison, Bonham, Cason, Cullen, Dykes, English, Gifford, Hyatt, McClurg, Mason, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Van Buskirk, Ward, Woods, Wright and Mr. President—22.

Mr. Williams moved to postpone the subject until to-morrow at 2 o'clock, P. M.,

Which was not agreed to.

The question being on the adoption of the amendment offered by Mr. Mason,

Mr. Oyler moved the previous question, which was seconded:

Shall the main question be now put?

It was so agreed.

The question being on the adoption of the amendment,

Messrs. Williams and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Cason, Cullen, Dykes, English, Gifford, Hyatt, McClurg, Mason, Niles, Oyler, Reagan, Richmond, Terry, Van Buskirk, Ward, Woods, Wright, and Mr. President—20.

Those who voted in negative were,

Messrs. Barker, Bennett, Bowman, Brown of Hamilton, Cobb, Corbin, Douglas, Finch, Fuller, Hanna, Jinkens, Marshall, Moore, Newlin, Noyes, Staggs, Thompson, Vawter, and Williams—19.

So the amendment was adopted.

The question being on the adoption of the original resolution,

Messrs. Bennett and Moore demanded the ayes and noes.

Those who voted in the affirmative were.

Messrs. Barker, Bowman, Cobb, Corbin, Douglas, English, Finch, Gifford, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter, Williams, and Wright—18.

Those who voted in the negative were,

Messrs. Bennett, Brown of Hamilton, Cason, Cullen, Dykes, Fuller, Hyatt, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, and Mr. President—19.

So the resolution was not adopted.

Mr. Niles, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 210, have had the same under consideration, and have directed me to report the same back to the Senate, recommending its passage.

Which report was concurred in.

Mr. Niles moved to consider the bill engrossed, and that it be read a third time now,

Which was agreed to.

Senate bill No. 210 was read a third time.

The question being on the passage of the bill—shall the bill pass?—the title of which is as follows :

Senate bill No. 210. An act to amend section 584 of an act entitled “an act to revise, simplify and abridge the rules, practice, proceedings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.” Approved June 28, 1852.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Brown of Hamilton, Cason, Cobb, Corbin, Cullen, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—36.

So the bill passed.

The question being shall the title as reported stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Corbin, by consent, introduced the following concurrent resolution :

WHEREAS, By the charter of the Terre Haute and Richmond railroad, approved January 26, 1847, it was provided that after the dividends declared, shall amount to the full amount of the investment of said road and ten per centum thereon, the Legislature may so regulate its tolls so that not more than fifteen per centum thereon shall be divided and the capital employed, and the surplus to be paid over to the Treasurer of State, for the benefit of the School Fund; and whereas, it is by said charter made the duty of said corporation to report under oath to the Legislature, when required, a correct

statement of all its profits and expenditures ; and whereas, also, it is further provided that the State shall have the right, in time of war, to transport troops, munitions of war and provisions, free of toll on said road ; and also to keep a record of all their receipts and expenditures, which shall always be open to the inspection of any agent appointed by the Legislature for that purpose, and upon failure to comply with any of the provisions of their said charter, to repeal all powers granted under said act of incorporation ; and whereas further, it is believed that there is a large amount of money in the hands of said corporation which should have been reported and paid into the hands of the Treasurre of State, and the conditions of said charter in many other particulars been violated by said corporation. Now, therefore,

Be it resolved by the Senate, the House concurring, That the President, Auditor and Treasurer, of said corporation be required to make a report to the Legislature at its present session, under their several oaths, the amount of the capital stock of said corporation, the amount of its gross income and disbursements ; and that a committee of three be appointed, who shall be constituted agents on behalf of the State to inspect the books of said corporation, who are hereby authorized to send for persons, books and papers, for the purpose of such investigation.

Mr. Corbin moved to refer to a Select Committee of Five.
Which was agreed to.

Mr. Bennett asked and obtained leave to introduce the following resolution :

Resolved, That the Secretary and Assistant Secretary draw upon the Librarian for stationery, with the approval of the President of the Senate.

Which was adopted.

On motion,
The Senate adjourned.

TUESDAY, 2 O'CLOCK, P. M., }
November 21, 1865. }

The Senate met.

The journal was read and approved.

The President announced the following Select Committee, to whom was referred the Governor's Message and accompanying documents :

3d District—Senator Cobb, Chairman.
1st District—Senator Fuller.
2d District—Senator Bowman.
4th District—Senator Gifford.
5th District—Senator Reagan.
6th District—Senator Oyler.
7th District—Senator Hanna.
8th District—Senator Cason.
9th District—Senator Wright.
10th District—Senator Dykes.
11th District—Senator Bonham.

The President announced the committee on the concurrent resolution of the Senator from Marshall :

Senators Corbin, Richmond, Hanna, Cullen and Cobb.

Mr. Williams moved that all petitions praying for the repeal of an act in favor of soldiers, seamen and marines, be referred to the Select Committee, heretofore appointed by the President upon that subject.
Which was agreed to.

Mr. Van Buskirk offered a petition, praying for the repeal of an act for the relief of the families of soldiers, seamen and marines, approved March 4, 1865.

Which was referred to a Select Committee on that subject.

Mr. Wright offered a petition, praying for the repeal of an act for the relief of the families of soldiers, seamen and marines, approved March 4, 1865.

Which was referred to same committee.

Mr. Chapman offered a petition praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen and marines," &c., approved March 4, 1865.

Which was referred to same committee.

Mr. Reagan offered a petition from the yearly meeting of the Religious Society of Friends, praying for the enlargement of the privileges of the colored people of the State.

Which, on motion of Mr. Cullen,

Was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Van Buskirk offered a petition, praying for the repeal of the Black Laws, and asking for such legislation as will secure to the colored people the right to testify in courts of justice, and the benefits of the Common School system.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Niles, Chairman of the Committee on the Judiciary, offered the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 58, entitled "a bill to amend the 5th and 6th sections of an act regulating interest on money, and to repeal an act entitled 'an act concerning interest on money,'" approved May 27, 1852, the 51st section of the act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852, with all other laws and parts of laws in conflict with this act, approved March 7, 1861, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

Which report was concurred in.

House bill No. 58 was read a second time and passed to a third reading.

Mr. Bennett from the Committee on the Judiciary made the following report:

MR. PRESIDENT:

The Committee on the Judiciary to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of limiting the number of Justices of the Peace, &c., have had the same under consideration, and have directed me to report the same back, and recommend that it be referred to the Committee on the Organization of Courts.

Which report was concurred in.

Mr. Hanna from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred

Senate bill No. 152, entitled an act to amend section seven of an act entitled "an act touching the laying out of towns and vacating towns, streets, alleys, public squares and grounds, or any part thereof," have instructed me to report the same back to the Senate, and recommend its passag.

Which report was concurred in.

House bill No. 152 was read a second time and passed to a third reading.

Mr. Richmond from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business to whom was referred

Senate bill No. 140, entitled an act to amend section eight of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, have had the same under consideration, and have directed me to report said bill back to the Senate, and recommend its passage.

Senate bill No. 140 was read a second time and passed to a third reading.

Mr. Cason from the Judiciary Committee made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred

House bill No. 12, being "a bill to amend the first section of an act entitled 'an act for the protection of religious meetings, agricultural fairs, and other lawful assemblages of the people,'" approved

March 3, 1859, have had the same under consideration, and have directed me to report said bill back and recommend its passage.

Which report was concurred in.

House bill No. 12 was read a second time and passed to a third reading.

Mr. Culver from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred

Senate bill No. 175, an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and for mutual protection, and for repealing all laws introduced herewith, have had the same under consideration, and ask that it be reported back, and recommend its passage.

Which report was concurred in.

Senate bill No. 175 was read a second time and passed to a third reading.

On motion by Mr. Bennett

The bill and report were laid upon the table until to-morrow.

Mr. Hanna from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred

Senate bill No. 185, entitled an act for the incorporation of hotel companies, have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Senate bill No. 185 was read a second time and passed to a third reading.

Mr. Bennett, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 32, entitled "a bill to provide for taking the depositions, affidavits and acknowledgements, of persons in the military or naval service of the United States," have had the same under consideration, and directed me to report the same back, and recommend that it be indefinitely postponed, for the reason that the emergency requiring the passage of such bill has, since the introduction of the same, ceased.

Which report was concurred in.

Mr. Allison, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 229, an act approved March 5, 1859, authorizing the purchase of railroads, plank roads and turnpike roads, under mortgage sale, &c., have had the same under consideration, and instructed me to report the same back without amendment, and recommend its passage.

Which was read a second time and passed to a third reading.

Mr. Cullen moved to refer to Committee on Corporations.

Which was agreed to.

A message was received from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House of Representatives have passed the following engrossed bills of the Senate, to-wit:

Senate bill No. 196. An act concerning the writ of habeas corpus, with the following engrossed amendment thereto of the House of Representatives, to-wit: Amend by striking out the title of said bill and inserting thereof the following: "An act to amend the 716th section of an act entitled 'an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of

this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, so as to deprive the Supreme Court and the Judges thereof from taking original jurisdiction of writs of habeas corpus, and enlarging the powers and jurisdiction of the Circuit and Common Pleas Judges on writs of habeas corpus in certain cases, in this act provided and prescribed." Amend further, by adding to said bill the following section :

Section 3. WHEREAS, An emergency exists for the immediate taking effect of this act, therefore, the same shall be in force from and after its passage and publication in the Indianapolis Daily Journal and the Indianapolis Daily Herald.

The question being on the recommitting of Mr. Allison's report to the Committee on Corporations, pending which,

Mr. Niles moved to take up the message from the House respecting Senate bill No. 196.

The question being on concurring with the House in amendments to Senate bill No. 196—

The following message, with accompanying documents, was received from the Lieutenant Governor by his private secretary, Mr. Jacobs :

To the Senate and House of Representatives :

I herewith respectfully transmit to the General Assembly the report of Col. James Blake, Commissioner of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, appointed as such by the Governor of the State, together with the printed documents referred to in the report, and marked "A," "B," "C" and "D," respectively, and recommend the same to your careful consideration.

I also transmit herewith a printed pamphlet, entitled "Soldiers' National Cemetery at Gettysburg, Pennsylvania," giving the correspondence in relation to the enterprise which resulted in the incorporation and establishment of this cemetery. From the documents submitted, it will be seen that the amount originally assessed as the quota of Indiana in defraying the expenses of the undertaking was \$4,625.83, in part payment of which the sum of \$1,156.60 was, on the 1st day of June, 1864, remitted by the Governor to the Treasurer of the Association, leaving a balance of \$3,469.80 still due from this State, for which last named sum requisitions have long since been

made, but have not been honored for want of the necessary appropriations to meet the requisitions. Gettysburg is the only battle-field of the late war in the North, and the remains of some eighty of the heroic soldiers of Indiana have been carefully interred in the National Cemetery, which has been established on the ground where they fell in defence of the country. I respectfully recommend that immediate provision be made for the payment of the balance of the assesment originally made as the quota of this State, amounting, as before stated, to the sum of \$3,469.80.

It will seem by Col. Blake's report, that, owing to the increased price of labor and materials, he estimates that the original assessment will be insufficient to meet our share of the cost of the undertaking by the sum of \$2,400. Whether an appropriation should be made to meet this deficit, is respectfully submitted to the General Assembly, without any recommendation on that branch of the subject.

Col. Blake, with the patriotism and public spirit which has characterized his long and valuable life, at the request of the Governor, and without compensation, took upon himself the duties of Cemmissioner for this State, visited Gettysburg, and participated in the proceedings of the Board of Commissioners in July last, performing the trusts confided to him in the most acceptable manner.

I would be doing injustice to my own feelings, did I not thus officially express the high appreciation in which his services are held.

CONRAD BAKER,

Lieut. Governor, acting Governor.

To His Excellency, Gov. O. P. Morton :

SIR :—Having been appointed by you as Commissioner of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, on the 1st of January last, I deem it proper to present a report of my action in the matter, and the present condition of the work.

The charter of incorporation was granted by the Legislature of Pennsylvania, a copy of which is herewith enclosed and marked "A." This charter defines the object of the Association, and the powers and duties of the Commissioners.

The first meeting of the Board of Commissioners appointed in the in the charter, was held at Gettysburg, Pennsylvania, on the 6th day of April, 1864, at which meeting an organization was effected, proper

committees appointed, and David Wills, the Commissioner from Pennsylvania, was made President.

Prior to my appointment, the Board had located the cemetery grounds, agreed upon a plan and design for a monument, and made an estimate of the expense. After this action, the work was commenced. The first annual report of the Commissioners composing the Board of Managers was made December 7, 1864. This report, which is here enclosed, and marked "B," gives a detailed account of the proceedings of the Board, the progress and cost of the work up to that date, and there has been but little work done since that time. You will also find herewith enclosed the design of the cemetery grounds as now laid out, with a correct description marked "C." This plan and description gives the location of each State on the plat, as well as the proportion of ground allotted to each.

The monument proper, is to be erected near the center of the grounds; a design and description, as prepared by the designer, is herewith enclosed, and marked "D."

The only meeting of the Board which I have attended was held at Gettysburg, on the 4th day of July last, at which time the cornerstone of the monument was laid, and I enjoyed an excellent opportunity of inspecting the battle field in company with Maj. Gen. Howard, whose knowledge of localities and positions, rendered the visit one of more than ordinary interest. I carefully examined the ground and the work so far as completed. The stone fence being the outside enclosure, is an extensive, substantial structure, both as to material and construction. I can say the same as to the iron fences, so far as completed, and believe the work, so far, has been conducted with much good judgment and economy.

The amount originally assessed to the State of Indiana, as will be seen by the report of the President of the Board, was four thousand six hundred and twenty-five dollars, (\$4,625).

In consequence of the increased price, both of materials and labor, this amount should be increased, and the appropriation made had better be about seventeen thousand dollars, and if not needed as Indiana's *pro rata* share of the expense, will not be drawn from the Treasury.

Respectfully submitted,

(Signed)

JAMES BLAKE,

Commissioner.

The question being on concurrence with the House in the amendments to House bill No. 196, Mr. Cason moved to postpone until Tuesday next, at 2 o'clock P. M.

Which was agreed to.

The question being on recommitting

House bill No. 129 to the Committee on Corporations,
It was agreed to.

Mr. Bennett from the Judiciary Committee made the following report:

MR. PRESIDENT:

The Committee to whom was referred

House bill No. 64, entitled "a bill to amend section 406 of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,'" have had the same under consideration and direct me to refer the same back to the Senate, and recommend its passage.

Which report was concurred in.

House bill No. 64, was read a second time and passed to a third reading.

Mr. Cason from the Judiciary Committee made the following report:

MR. PRESIDENT:

The Committee to whom was referred

House bill No. 27, being an act entitled "an act to legalize the acknowledgement of all deeds, mortgages and other instruments required to be recorded, taken and certified by notaries public who took and certified such acknowledgments after the expiration of their commissions," have directed me to report said bill back, and recommend its passage,

Which report was concurred in.

House bill No. 27 was read a second time and passed to a third reading.

By consent of the Senate Mr. Oyler introduced the following :

Resolved, That the Librarian be and is hereby authorized to draw an order on the Auditor for two hundred dollars, to be paid out of the appropriation for legislative expenses, for the purchase of postage stamps for the use of the Senate as per resolution of the Senate.

Which resolution was adopted.

Mr. Richmond from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts to whom was referred Senate bill No. 22, entitled an act to amend section ten of an act entitled "an act providing for the elections and qualifications of justices of the peace, and defining their jurisdiction, powers and duties, in civil cases," approved June 9, 1852, have had the same under consideration, and have directed me to report said bill back to the Senate and recommend its passage,

Which report was concurred in.

Senate bill No. 22 was read a second time and passed to a third reading.

Mr. Corbin, from the Committee on Benevolent Institutions, made the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions to whom was referred House bill No. 67, entitled "a bill to entitle attorneys to hold liens on judgments," beg leave to report that they have had the same under consideration, and would recommend the beneficiaries of said bill as proper objects of benevolence, and would therefore recommend its passage,

Which report was concurred in.

House bill No. 67 was read a second time and passed to a third reading.

Mr. Allison, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Committee to whom was referred Senate bill No. 170, entitled "an act to authorize Trustees to sell and convey trust estates, and to reinvest the proceeds thereof," have instructed me to report the bill back, and recommend its indefinite postponement. In the judgment of the Committee the bill ought never to become a law of the State. It proposes, in brief, to permit any estate devised or conveyed in trust to a trustee or trustees for the benefit of any other person or persons whether the trust be or be not coupled with a power of sale, to be sold by order of the Circuit Court of the proper county upon the application of the trustees, or any person or persons interested in said estate, whenever it shall be deemed proper to dispose of the same for the support and education of the *cestui que trust*, or for the purpose of reinvesting the proceeds in other property. The effects of such a law would be to enable trustees or others interested in trust estates through the instrumentality of the courts, to defeat the intention of the creator of the trusts. The law wisely permits a testator to dispose of his property according to his own pleasure, and if he devises it in trust, and desires his trustee to sell either for reinvestment, or for the support of the object of his bounty, he can so provide in his will, and in the absence of such a provision it is not proper for the Legislature or the courts to amend his will or to thwart his intentions. For these and other reasons, the Committee recommend the indefinite postponement of the bill.

Which, on motion, was concurred in.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred House bill No. 43, entitled "an act to repeal an act to establish courts of conciliation," beg leave to report that they have duly considered the same, and have instructed me to report the same back to the Senate without amendment, and recommend the passage of the same.

Which report was concurred in.

House bill No. 43 was read a second time and passed to a third reading.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred the resolution of the Senator from Owen, in relation to the expediency of reducing the fare on railroads of this State to three cents per mile, have had the same under consideration, and have directed me to report said resolution back, and that the same do lie on the table, for the reason that, in the opinion of your Committee, it is inexpedient to legislate upon the subject.

The report was not concurred in.

Mr. Moore moved to refer to a Select Committee of Five.
Which was agreed to.

The President announced said committee as follows :

Messrs. Moore, Williams, Brown of Wells, Corbin and Culver.

Mr. Reagan, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 206, entitled "an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to form corporations, to exercise corporate powers and to define their rights, powers and privileges, to enable such corporations and branch roads, and to operate and maintain the same," approved March 3, 1865, and for the purpose of making the same more definite and certain, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Senate bill No. 206 was read a second time and passed to a third reading.

Mr. Allison, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No.

72, entitled "an act prescribing the form of deed that may be used by Sheriffs and Coroners," have had the same under consideration and being satisfied that a deed made according to the present requirements of the statute on that subject, will be short enough for all practicable purposes, and that further legislation upon that subject is unnecessary, have instructed me to report said bill back, and recommend that it lie on the table.

Which was concurred in.

Mr. Oyler, from the Committee on Elections, made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 221, offered by Senator Bonham, entitled "an act for the punishment of officers of elections for receiving illegal votes," have fully examined said bill and report the same back to the Senate, without amendment, and recommend its passage,

Which report was concurred in.

Senate bill No. 221 was read a second time and passed to a third reading.

Mr. Cullen from the Committee on Elections made the following report :

MR. PRESIDENT :

The Committee on Elections, to whom was referred Senate bill No. 220, entitled a bill disqualifying certain persons from voting, and prescribing penalties, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that the same be referred to the Judiciary Committee for their opinion as to the constitutional question involved therein.

Which report was concurred in.

A message was received from the Governor, by Mr. Jacobs, his Private Secretary :

MR. PRESIDENT :

I am directed by the Governor to inform your honorable body that he has approved and signed Enrolled Senate bill No. 202, entitled

an act making specific appropriations from the State Treasury," and that the same has been deposited in the office of the Secretary of State.

Mr. Ward, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 211, entitled an act "supplemental to an act entitled 'an act to incorporate the White River Navigation Company,' " approved February 13, 1851, and an act entitled an act to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13, 1851, "and to extend the rights and privileges of said Company," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage,

Which report was concurred in.

Senate bill No. 211 was read a second time and passed to a third reading.

Mr. Cullen, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate Bill No. 156, an act to amend the fourth section of an act entitled "an act to limit the number of grand jurors, and to point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852, "and to change the form of the oath of grand jurors," have had the same under consideration, and direct me to refer the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 156 was read a second time and passed to a third reading.

Mr. Ward, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill

No. 199, entitled "an act to amend an act to incorporate the Indianapolis Insurance Company," approved February 8, 1836, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 199 was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods and Mr. President—34.

Those who voted in the negative were,

Messrs. Hyatt, Moore, Noyes, Terry and Wright—5.

So the bill passed.

Shall the title of the bill be as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Brown moved to suspend the order of business, and introduce a resolution.

Messrs. Bennett and Brown of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bowman, Brown of Wells, Corbin, Cullen, Douglas, Finch, Fuller, Jinkens, Mason, Newlin, Staggs, and Williams—14.

Those who voted in the negative were,

Messrs. Allison, Bennett, Brown of Hamilton, Cason, Chapman,

Cobb, Culver, Dykes, Gifford, Hanna, Hyatt, Marshall, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—25.

So the rules were not suspended.

Mr. Cullen moved that the Senate adjourn.

Which was agreed to.

WEDNESDAY, 2 O'CLOCK, P. M., }
November 22, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal,

When, on motion of Mr. Bennett,

The further reading of the journal was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Wright presented a petition, praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen, or marines," approved March 4, 1865.

Which was referred to a Select Committee on that subject.

Mr. Van Buskirk presented a petition in reference to the sale of spirituous liquors.

Which was referred to the Committee on Temperance.

Mr. Brown of Wells, introduced a petition, praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen and marines," approved March 4, 1865.

Which was referred to a Select Committee on that subject.

REPORTS FROM STANDING COMMITTEES.

Mr. Terry, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee to whom was referred House bill No. 79, entitled, "a bill to amend an act entitled 'an act providing for the election and appointment of Supervisors of Highways, and prescribing certain of their duties, and those of county and township officers in relation thereto,'" approved March 5, 1859, have had the same under consideration, and direct me to report the same back to the Senate with the following amendments, and when so amended recommend its passage: Amend by inserting "able bodied" before the word "male" in the second line of section 6 of amended bill, and strike out the word "pensioners" where it occurs in the same line.

House bill No. 79 was read a second time.

A message from the Governor, by his Private Secretary, Mr. Jacobs:

To the Senate and

House of Representatives:

At the commencement of the present special session, His Excellency, the Governor, in his message invited your attention to the necessity of the speedy establishment of an Institution in which Indiana soldiers and seamen, disabled by wounds or disease contracted in the service of the United States, shall be cared for and maintained during the continuance of the disabilities under which they are laboring. He also said in the same connection that the United States General Hospital at Jeffersonville is one of the most complete establishments of the kind in the country, and is well adapted to the purposes of a Soldiers' Home, and that he had written to the Secretary of War and Surgeon General for information as to whether the Government would be willing to turn over this hospital to the State of Indiana, to be used in the establishment of such an Institution, should the State desire it; and that the answer, when received, would be communicated to the General Assembly.

Since the departure of Governor Morton, a communication has

been received from the office of the Surgeon General, in reply to his letter of inquiry mentioned in his message, in which it is stated that, upon application to that effect by the State of Indiana, the Surgeon General will recommend that the General Hospital at Jeffersonville be turned over to the State authorities, upon the same terms as the Tripler Hospital was turned over to the State of Ohio. A copy of this communication from the Surgeon General's Office is herewith respectfully submitted.

I have no definite information as to the terms upon which Tripler Hospital was turned over to the State of Ohio, but believe that the only terms required was a guarantee on the part of the State that the property donated should be faithfully applied to carry out the object for which it was given.

I have written to the Surgeon General, since the receipt of this communication, for information as to the precise terms upon which Tripler Hospital was donated to the state of Ohio.

If the land upon which the General Hospital at Jeffersonville is situated, comprising, as I am informed, about one hundred and sixty acres, can be procured at a reasonable price, this offer of the Government to turn over the Hospital buildings, with their appurtenances, would seem to afford a solution of the Soldiers' Home question, so far as its location is concerned. Indeed, if such an institution is to be at all provided by the State, or the people, and of this I do not permit myself to doubt, we cannot afford to decline the offer of buildings and improvements of the value of not less than three hundred thousand dollars, adapted to the accomplishment of the very object we have in view, whether the owners of the land will or will not consent to sell it for a reasonable price.

If they refuse thus to sell, the remedy of the State is plain. It is to provide by legislative enactment for the taking of the property, and for the assessment of just compensation, to which the owners would be entitled under the Constitution. With these suggestions the whole subject is again commended to your careful consideration.

Whenever an answer is received from the Surgeon General, as to the terms upon which Tripler Hospital was turned over to the State of Ohio, it will be communicated to the General Assembly.

CONRAD BAKER,

Lieut. Gov., acting Gov.

SURGEON GENERAL'S OFFICE, WASHINGTON, D. C., }
November 16th, 1865.

His Excellency, O. P. MORTON,
Governor of Indiana :

SIR:—I am instructed to acknowledge the receipt of your communication of the 13th inst., relative to providing a home for the wounded soldiers of Indiana, and to inform you that, upon application to that effect, the Surgeon General will recommend that the General Hospital at Jeffersonville, Indiana, be turned over to the State authorities upon the same terms as the Tripler Hospital was turned over to the State of Ohio.

By order of the Surgeon General.

Very respectfully your obed,^t serv't,

W. C. SPENCER,

Asst. Surgeon Gen.

Mr. Bennett offered the following amendment to Mr. Terry's report:

Amend section four by striking out the words, "the rate of one dollar and fifty cents per day" and insert the words, "at such rate as the supervisor may deem reasonable, not exceeding two dollars per day."

Mr. Williams moved to strike out of the amendment the words, "not exceeding two dollars."

Mr. Cullen moved to lay the amendment to the amendment on the table,

Which was agreed to.

Mr. Cullen moved to lay the amendment of Mr. Bennett on the table.

Messrs. Cullen and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Dykes, English, Finch, Gifford, Hanna, Hyatt, Jinkens, Marshall, Milliken, Newlin, Oyler, Reagan,

Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Bennett, Chapman, Corbin, Culver, Douglas, Fuller, McClurg, Mason, Moore, Noys, Richmond, Williams and Mr. President—13.

So the amendment was laid on the table.

The question being upon concurrence in the report,

Mr. Richmond offered the following amendment :

Amend by striking out so much of section three as occurs after the word "cease" in the fourth line of said section.

Mr. Cobb moved to lay the amendment on the table,
Which was agreed to.

The report was then concurred in, and the bill passed to a third reading to-morrow.

Mr. Wright, from the Committee on Roads, made the following report :

MR. PRESIDENT :

I am directed by the Committee on Roads to report Senate bill No. 134, entitled an act to amend an act entitled "an act to provide for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859, back to the Senate and recommend that it lie on the table, as the House bill, now before the Senate, covers all the provisions of this bill.

Which report was concurred in.

Mr. Bennett made the following report from select committee, to whom was referred Senate bills Nos. 197 and 198 :

MR. PRESIDENT :

The select committee to whom was referred Senate bills Nos. 197 and 198, entitled an act to repeal an act entitled "an act for the relief of families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in Hospitals in the State and United States,

and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named," approved March 4, 1865, have had the same under consideration, and have directed me to report No. 198 back, with the following amendments thereto :

Amend section seven as follows : after the word "and" in the fourth line thereof, insert the words, "retained in the several counties where the same was levied under the control of the Board of County Commissioners, and by them,"—and when so amended they recommend its passage ; and they further report back No. 197, and recommend that it be indefinitely postponed, for the reason that No. 198 is upon the same subject.

Which report was concurred in.

Mr. Cullen moved to suspend the rules and read the bill a third time now.

Messrs. Cullen and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Dykes, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods, Wright and Mr. President—36.

Those who voted in the negative were,

Messrs. Corbin, Douglas, English, Marshall, McClurg and Vawter—6.

So the rules were suspended.

Senate bill 198 was read a third time.

The question being on the passage of the bill,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of

Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Douglas, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President—41.

Mr. Corbin being the only one who voted in the negative.

So the bill passed.

The question being shall the title, as read, be the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cason, from the Committee on Federal Relations, submitted a minority report on Mr. Bennett's resolution in relation to the trial and punishment of Jefferson Davis.

Mr. Hanna submitted a minority report upon the same subject.

Mr. Cason moved to lay both reports on the table, and make them the special order for Tuesday, December 20th, 1865, at 9 o'clock A. M. Which was agreed to.

Mr. Oyler moved that 500 copies of each report be printed for the use of Senators.

Mr. Richmond moved to amend by striking out "500" and inserting "100" in lieu thereof.

Mr. Oyler accepted the amendment.

The question being on the adoption of the motion,

Messrs. Oyler and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Corbin, Douglas, Hanna, Jinkens, McClurg, Newlin, Noyes, Oyler, Van Buskirk and Mr. President—16½

Those who voted in the negative were,

Messrs. Allison, Bowman, Chapman, Cobb, Cullen, Culver, Dykes,

English, Fuller, Gifford, Hyatt, Marshall, Mason, Milliken, Moore, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—25.

So the motion was not adopted.

Mr. Richmond, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate bill No. 69, entitled an act to repeal the 119th section of an act entitled "an act to provide for the valuation and appraisement of real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, appraisers of real property, County Treasurers and Auditors of State," approved June 21, 1852, have had the same under consideration, and have directed me to report the bill back to the Senate, with the recommendation that it be indefinitely postponed.

Which was concurred in.

Mr. Bennett moved that Senate bill No. 175 be taken from the table and placed upon the files.

Mr. Cullen introduced the following resolution :

Resolved, That Pat Brannin be allowed the sum of fifteen dollars for three days' services performed under the direction of Captain Johnson, at the beginning of the present session.

Which was agreed to.

Mr. Gifford introduced the following resolution :

Resolved, That the Committee on Finance be instructed to inquire into the expediency of amending the revenue law so as to require County Treasurers to deduct the indebtedness to the county of every person to whom a county order is issued, before paying the same.

Which was agreed to.

Mr. Bennett introduced the following resolution :

Resolved, That the Principal and Assistant Secretaries and Door-

keepers of the Senate be authorized to draw from the Librarian three dollars' worth of postage stamps each.

Which was agreed to.

Mr. Cobb introduced

Senate bill No. 232. An act appropriating certain sums of money for the payment of Washington H. Talbott, and the heirs of Frances Costigan, deceased.

Which was read a first time and passed to a second reading.

On motion of Mr. Vawter,

The rules were suspended, and Senate bill No. 21 was read a second time, and ordered to be engrossed.

Mr. Williams introduced

Senate bill No. 233, entitled, "an act to enable any child heretofore adopted, or which may be hereafter adopted, by any person under the laws of any State of the United States, to take and hold real estate in this State as if the child had been adopted under the laws and within the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Cason introduced

Senate bill No. 234. An act supplemental to an act approved June 11, 1852, entitled, "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties.

Which was read a first time and passed to a second reading.

Mr. Culver introduced

Senate bill No. 235. An act to amend "an act in relation to County Auditors," approved May 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Richmond introduced the following resolution:

Resolved, That the Doorkeeper of the Senate be authorized and directed to procure and place upon the desk of each Senator two hundred two cent postage stamps.

Which was agreed to.

Mr. Ward introduced

Senate bill No. 236. A bill requiring railroad companies to furnish transportation to persons desiring to ship live stock, or other freight, over their roads, and requiring such companies to charge a uniform rate therefor.

Which was read a first time and passed to a second reading.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 57, entitled, "a bill to amend section 784 of the Practice Act," have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be indefinitely postponed, as they consider the proposed legislation inexpedient.

Which report was concurred in.

Mr. Noyes introduced

Senate bill No. 237, an act entitled "an act requiring all property hereafter sold by virtue of any court, or in pursuance of any process of law, to be sold without appraisement, and repealing all laws inconsistent therewith."

Read a first time and passed to a second reading.

Mr. Bonham introduced

Senate bill No. 238. An act prescribing certain qualifications of attorneys at law for practicing in the courts of this State, and declaring the punishment for the same, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading.

Mr. McClurg introduced

Senate bill No. 239. An act authorizing the session of Common Pleas Courts in this State after the time of holding Circuit Courts, when the time of their sessions comes in conflict, and declaring an emergency.

Which was read a first time and passed to a second reading.

Mr. Thompson introduced the following resolution :

Resolved, That the special message of His Excellency, Governor Baker, on the subject of the National Cemetery at Gettysburg, with the accompanying report of Special Commissioner Col. James Blake, be referred to the Financial Committee, with instruction to report by bill or otherwise.

Which was adopted.

Mr. Dykes introduced

Senate bill No. 240. An act to amend sections 3 and 4 of an act entitled "an act to regulate and license the sale of spirituous liquors, malt, and other intoxicating liquors, to prohibit adulteration of liquors, to repeal all laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859, and prescribing penalties in case of second or subsequent conviction.

Which was read a first time and passed to a second reading.

Mr. Niles, from the Judiciary Committee, made the following report.:

MR. PRESIDENT :

I am directed by the Judiciary Committee to report Senate bill No. 216, an act to repeal sections 43 and 44 of an act entitled "an act prescribing who may make a will, the effect thereof, and what may be denied, regulating the revocation," back to the Senate, and recommend its passage.

Which was concurred in.

Senate bill No. 216 was referred back to the Judiciary Committee.

Mr. Bennett made the following report, from a select committee, on fees and salaries :

MR. PRESIDENT :

The select committee to whom was referred Senate bill 226, entitled a bill to amend sections 10, 12, 13, 14, 15, 16, 17, 18, 21, and 22, of an act entitled "an act regulating fees of officers, and repeal-

ing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have directed me to report the same back, without amendment, and recommend its passage.

Mr. Bennett moved to make the bill, 226, the special order for 2 o'clock to-morrow.

Mr. Bennett, from a select committee on fees and salaries, made the following report:

MR. PRESIDENT:

The select committee, to whom was referred Senate bill No. 138, a bill to amend section 30 of "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, have had the same under consideration, and have directed me to report the same back, and recommend its passage.

Senate bill No. 138 was read a second time and passed to a third reading.

Mr. Cason introduced

Senate bill No. 241, entitled an act to amend an amendment of an act entitled "an act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled 'an act to revise, simplify and abridge the rules, practices, pleadings and forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, which took effect and went into force March 17, 1861.

Which was read a first time and passed to a second reading.

Mr. Cullen moved to adjourn,

Which was agreed to.

THURSDAY AFTERNOON, 2 o'clock, }
November 23, 1865.

The Senate met.

The Secretary proceeded to read the journal, when,
On motion of Mr. Bennett,

The further reading of the journal was dispensed with.

A message from the Governor, by his Private Secretary, Mr. Jacobs:

To the Senate and

House of Representatives:

I beg leave to respectfully call your attention to the propriety of passing a Joint Resolution, asking Congress to make a donation of lands to the company incorporated under the laws of this State to construct a harbor at Michigan City.

Some forty years ago there was cut off from the Territory of Michigan a strip of land ten miles in width, which was added to the State of Indiana, for the purpose of affording her a safe harbor. For the purpose of constructing a harbor at Michigan City, the Government made appropriations, extending through a series of years, amounting in the aggregate to \$135,000, but these were given in such small sums, and at intervals so distant from each other, as to render them comparatively ineffectual; yet, with all these drawbacks, a harbor was made, which, for some years, gave to our State quite an amount of shipping. On the completion of the Michigan Central Railroad, the harbor at Michigan City was abandoned by the Government, and for want of repairs, and being exposed to the storms of the lake, the upper works which had been erected, were gradually loosened and fell, and the sand drifting across the cribs, finally choked up the mouth of the creek, and the harbor became inaccessible to any but small fishing vessels.

Citizens of Indiana, convinced that the State should have a port on our great inland seas as well as Ohio and Illinois, formed a Company under the laws of the State, for the purpose of rebuilding this harbor. To this Company Congress ceded all the Government work that remained, and gave permission for the work to be prosecuted as had

already been successfully done by a Company at Milwaukee, under a like cession by the Government. The Michigan City Harbor Company are thoroughly organized, and already stock has been subscribed to the enterprise, amounting to \$135,000; and assurances have been received by the Company that the L. N. A. & C. R. R. Company will take stock to the amount of \$100,000 as soon as it is ascertained that the balance necessary to complete the work can be procured.

Competent engineers employed to examine the work, have estimated that the entire amount required to complete the work and secure to our State a permanent lake harbor, will not exceed \$300,000.

On the benefits to be derived by our State from the establishment of a port of entry and departure on its northern borders, it is difficult to place too high an estimation. In the transportation of wheat from points north of the Wabash, fifteen cents per bushel will be saved the producer, that being the difference between railroad and lake transportation. Salt from Saginaw, which is extensively used by our packers, with this harbor completed, could be delivered at Michigan City as cheaply as at Chicago, thereby resulting in an immense saving to the people of Indiana who reside north of the Wabash. The iron mines of Lake Superior, too, would be opened to our State, and in view of our coal beds and the vast quantities of bog ore which is so valuable when mixed with the Lake Superior iron, the proprietors of mines on Lake Superior would erect blast furnaces and rolling mills in Indiana, shipping their crude ore to this State for that purpose, and therefore furnish a market for the coal and iron deposits of our State. There would also be a saving of some forty per cent. on pine lumber, as it could be delivered at Michigan City at the same rates as at Chicago. The limits of this communication would not permit an enumeration of all the advantages to result to the State from the construction of a harbor on its northern border; a few of them, only, have been alluded to.

In asking Congress to grant to the Company a donation of lands to aid in the construction of the harbor, the General Assembly would only be soliciting that numerous precedents furnished by land appropriations in aid of other public works, should be followed. I respectfully recommend the passage of a joint resolution, requesting Congress to make a donation of lands to aid in the completion of the work.

CONRAD BAKER,

Lieut. Governor, acting Governor.

Mr. Oyler moved to refer to a Select Committee of Five.
Which was agreed to.

Mr. Van Buskirk asked and obtained leave to introduce

Senate bill No. 242, entitled an act to amend section 11 of "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a first time and passed to a second reading.

Mr. Van Buskirk asked and obtained leave to introduce

Senate bill No. 243, entitled "an act to fix the time of holding the Circuit Courts in the Fourth Judicial Circuit of the State, composed of the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and repealing all laws in conflict therewith." approved, 1865.

Which was read a first time and passed to a second reading.

A message was received from the House, by their Clerk, Mr. Nixon.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the Senate, to-wit:

Engrossed Senate bill No. 16. A bill to amend section 349 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Mr. Bennett moved to take up Senate bill 226,
Which was agreed to.

The Secretary then proceeded to read Senate bill 226, by sections.

Mr. Moore moved to strike out of section first "all that part that relates to the pay of County Commissioners."

The question being upon the adoption of the amendment,

Mr. Bennett moved to lay the amendment on the table.

Messrs. Moore, and Brown of Hamilton, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Gaff, Gifford, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Cobb, Fuller, Hyatt, Jinkens, Marshall, Moore, Vawter and Williams—11.

So the amendment was laid on the table.

Mr. Mason moved to amend by striking out "five" and inserting "four."

Mr. Bennett moved to lay the amendment on the table.

Messrs. Moore and Mason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Cason, Cobb, Cullen, Culver, Davis, Dykes, English, Gaff, Gifford, McClurg, Newlin, Niles, Noyes, Richmond, Van Buskirk, Ward, Wright and Mr. President—22.

Those who voted in the negative were,

Messrs. Barker, Brown of Hamilton, Brown of Wells, Corbin, Douglas, Finch, Fuller, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Oyler, Reagan, Staggs, Terry, Thompson, Vawter and Williams—20.

So the amendment was laid on the table.

Mr. Cobb introduced the following amendment :

“After the words when they appear and defend, add ‘successfully.’”
Which, on motion, was adopted.

Mr. William offered the following amendment :

“Strike out all in second section that relates to prosecuting Attorneys.”

Which was not adopted.

Mr. Brown, of Wells, offered the following amendment :

“Amend so as to provide that the prosecuting attorney shall receive a fee of ten dollars in all cases of divorce in which he is now, by law, required to appear and defend.”

Mr. Oyler moved to lay the amendment on the table,
Which was agreed to.

Mr. Bennett offered the following amendment :

Amend section second by inserting “ten” instead of “five” in divorce cases.

Pending which, the following message was received from the Governor, by his Private Secretary, Mr. Jacobs :

To the Senate and House of Representatives :

I herewith respectfully transmit a communication from the Treasurer, Auditor and Secretary of State, and the Clerk of the Supreme Court, in relation to the exposed condition of the public records, archives and papers of the State, especially as pertaining to the offices of the Auditor, Treasurer and Secretary of State.

In consideration of the inevitable burdens in the shape of taxation, which must be borne by the people for some years to come, I would gladly avoid, if a sense of duty would permit, any suggestion the effect of which, might be to increase the levy for State purposes. But when the extreme danger of destruction to which the public records are now exposed, and the fact that the rents now paid for rooms and offices, would, in a few years, procure safe depositaries and the additional fact that the value of these records cannot be

estimated in dollars and cents, are all considered, sound economy as well as duty to the public, would seem to require that some action should speedily be taken to avoid so great a calamity as the destruction of the archives of the State would be. It will be seen by the communication before referred to, and herewith transmitted, that the State officers suggest two plans for finding offices, without expressing a preference for either. One of these plans is to purchase the banking House at the intersection of Illinois street and Kentucky avenue, the other to build new offices on the grounds owned by the State, immediately north of the State House. I have given the subject some consideration, and, in my judgment, safety, economy and good policy, would dictate the purchase of the building before mentioned, if it can be procured on reasonable terms.

The considerations in favor are that, without any addition thereto, it is believed the building can be made to accommodate the Auditor, Treasurer and Secretary, of State, on the first floor, and furnish a room for each of the Judges of the Supreme Court, and an audience room for their consultations and for the hearing of oral arguments, on the second floor. It also contains two superior vaults, in which the more valuable of the public records can be kept. It is isolated and comparatively free from exposure to fire, possessing a metallic roof, and, in view of its position, might almost be considered as fire-proof. By its purchase the public records could at once be removed to a place of security, the payment of rents for rooms and offices would at once cease, and the General Assembly would, at the outset, know the whole amount necessary to be expended to accomplish the object. Besides all this, if the lot and building should be purchased at a fair price, and the State should hereafter not need the same, there is not even a remote probability that the property could not at any future time be sold for its original cost. If, however, on the other hand, the plan of building offices should be adopted, the building would not probably be completed short of a year from this time, during which rents would continue to be paid, and the public records would continue to be exposed to destruction. The expenditures, also, would doubtless be much greater than would be required to purchase the building before alluded to; and whatever the estimates might be, the ultimate actual cost of the building would be a matter of conjecture, and would never be ascertained until the work was completed.

At my request, a diagram has been prepared, showing the number and situation of the rooms and vaults of the bank building before

mentioned, and also the size and shape of the lot upon which it is situated, which diagram is herewith respectfully submitted. In view of the whole subject, I earnestly recommend that a joint committee of both Houses be at once appointed to visit and inspect the offices of the Auditor, Treasurer and Secretary of State, and their surroundings, to inquire into the amount of the Supreme Court for their chambers, and to consider the suggestions of the State officers contained in the communication herewith submitted, with instructions to the committee to report at an early day in favor of such action as all the circumstances and the public interests may require.

CONRAD BAKER,
Lieutenant Governor, acting as Governor.

Mr. Niles moved to refer the Governor's message to a Select Committee, to consist of three members from the Senate and five from the House.

Which was agreed to.

The question being on the amendment of Mr. Bennett,
It was adopted.

Mr. Dykes offered the following amendment to section six:

Strike out "one dollar and a half," and insert "two dollars."

Messrs. Allison and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Brown of Wells, Corbin, Cullen, Culver Davis, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President.—31.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bowman, Brown of Hamilton, Cason, Chapman, English, Gaff, Jinkens, Marshall, Moore and Terry—13.
So the amendment was adopted.

The President laid before the Senate a petition from the Grand Camp of the Hosts of Temperance.

Which, on motion, was referred to the Committee on Temperance.
S. J.—10

Mr. Van Buskirk offered a petition praying for the disfranchisement of all persons who left the country during the late rebellion, for the purpose of avoiding the draft, and also for the disfranchisement of deserters from the United States army.

Mr. Cullen moved to refer to the Committee on Rights and Privileges.

Mr. Oyler moved to amend by referring to the Judiciary Committee,

Which was accepted and agreed to.

Mr. Oyler, from the Committee on the Organization of Courts, presented the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred the resolution of Senator Bonham, instructing said committee to inquire into the expediency of limiting the number of justices of the peace, have had the same under consideration, and having duly considered the same, have instructed me to report to the Senate, that in the opinion of your committee, the number of justices of the peace, in many localities, is at present much larger than the necessities of the public demand, and that the welfare of the people would be enhanced by restricting the number of justices to one in each township, with an additional provision to provide for the wants of our cities, and incorporated towns, and have instructed me to report a bill in accordance therewith, said bill being reported with, and made part of this report.

The committee further report that, in the opinion of your committee, it is inexpedient to further extend the jurisdiction of justices of the peace in civil actions.

Which report was concurred in.

And Senate bill No. 244, entitled an act to amend an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852,

Was read a first time and passed to a second reading.

Mr. Brown of Wells, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 208, entitled "an act to provide for the construction of sewers within incorporated towns, define the powers and duties of the board of town trustees in relation thereto, and repeal all other laws in conflict therewith," having deliberated upon the same, have instructed me to report the bill back, with the amendments below given, with the recommendation that the bill, when so amended, be passed :

Amend section one by striking out the words "any incorporated town in this State," found in the fifth line : also, strike out in the sixth line, the words, "in any incorporated" and insert in lieu thereof the words, "in such:" also, in the seventh line, strike out the words, "in this State."

Amend section two by striking out the words, "and shall also determine and specify said records," found in the sixth and seventh lines.

Amend section nine by striking out all after the word "right," found in the eighth line.

Which report was concurred in.

Senate bill No. 208 was read a second time.

Mr. Thompson moved to recommit the bill to the Committee on Corporations,

Which was agreed to.

Mr. Oyler, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No. 217, offered by Senator Cullen, entitled an act to amend sections 1, 3, and 14, of an act entitled "an act to allow County Commissioners, to organize Turnpike Companies, where three-fifths of the persons owning the real estate within prescribed limits, petition for the same, and to levy a tax for its construction, and to provide for the same to be

free," have had the same under advisement, and having duly considered the same, have directed me to report the same back to the Senate, with the following amendments:

Add, at the close of the amendment to the third section, the following:

Provided, That the amendment to the 1st and 3d sections of this act shall not extend to companies heretofore organized under said act, unless such companies shall accept the amendment of and to said act. Strike out section 14 as amended, and insert in lieu thereof, the following:

Sec. 14. The Company shall have the right to enter upon the lands of any persons adjoining or near to the road and appropriate and remove therefrom any earth, timber, gravel, or stone, belonging to such person for the construction of the road, having first tendered to the owner thereof the damages therefor, the damage to be determined as follows: Such Turnpike Company shall select one disinterested freeholder of the county in which the road is situate, and the owner of said property, upon notice from such Company, shall select one disinterested freeholder of such county, who, after having been duly sworn by any officer authorized to administer oaths, shall proceed to assess the same, and shall return under their oaths the amount of such damages to the Clerk's office of such county, for the use of the owner of such property, and such Company shall, upon such filing, pay into the Clerk's office the amount of said damages, for the use of the owner of such property; and upon the payment into the Clerk's office of such damages, such Turnpike Company shall have the right to remove and apply to the construction of such road any and all of the property so appraised, provided, that if the owner of said property shall fail or refuse to select such appraiser as above provided, the Company may select both, and in case said two appraisers shall fail to agree, they shall have power to select a third, the decision of any two of them to be final. If such person shall decline or refuse to accept said damages, he shall have a right of action in any court of competent jurisdiction, but if upon the trial of said cause he shall fail to recover a greater amount than the damages assessed and tendered as above provided, he shall not recover cost in said action; and when so amended, recommend the passage of the same.

Which report was concurred in.

Mr. Cullen moved to suspend the previous order of business, and read the bill a third time now.

Which was agreed to.

Senate bill No. 217 was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—40.

Mr. Moore, only, voting in the negative.

So the bill passed.

The question being shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Bennett moved that when the Senate adjourn, it be until nine o'clock to-morrow morning.

Which was adopted.

Mr. Brown of Wells, asked and obtained leave of absence for a Select Committee until ten o'clock to-morrow morning.

Mr. Mason asked and obtained leave to introduce

Senate bill No. 245. An act in relation to the admission of the testimony of jurors in granting new trials.

Which was read a first time and passed to a second reading.

Mr. Wright moved to adjourn.

Which was agreed to.

FRIDAY MORNING, 9 o'clock, }
November 24, 1865. }

The Senate met.

The Secretary proceeded to read the journal, when,

On motion of Mr. Gifford,

The reading was dispensed with.

Mr. Bennett moved to suspend the previous order of business, and take up Senate bills on a third reading.

Mr. McClurg moved to amend by adding second and third reading.

Mr. Williams moved to lay the motion and amendment on the table,

Which was agreed to.

Mr. Cobb asked and obtained a leave of absence for Mr. Corbin, until Tuesday next.

Mr. Ward asked and obtained a leave of absence for Mr. Woods.

Mr. Gifford asked and obtained a leave of absence for Mr. Noyes.

The President announced the following special committee on the Governor's message :

Senators Oyler, Niles, Corbin, Noyes, and Hanna.

The President announced the following Senate joint committee on the message of the Governor, transmitting a communication of State officers, &c :

Senators Niles, Cobb and Bennett.

Mr. Moore offered the following resolution :

Resolved, That the State Librarian be requested to furnish stationery as required of him by resolution, at what the same can be purchased for at the book and stationery stores in the City of Indianapolis.

Mr. Bennett moved to lay the resolution on the table.

Messrs. Bonham and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Brown of Hamilton, Cason Chapman, Cullen, Culver, Davis, Dykes, Gaff, Gifford, Hyatt, McClurg, Milliken, Niles, Noyes, Oyler, Reegan, Richmond, Staggs, Terry, Van Buskirk, Ward, Woods, Wright and Mr. President—27.

Those who voted in the negative were,

Messrs. Bennett, Brown of Wells, Cobb, Corbin, Finch, Fuller, Marshall, Mason, Moore, Newlin, Vawter and Williams—12.

So the resolution was laid on the table.

Mr. Bennett moved to reconsider the vote on the adoption of the two-cent stamp resolution,

Which was agreed to.

Mr. Bennett moved to lay the resolution on the table,

Which was agreed to.

Mr. Vawter offered the following resolution :

Resolved, That the Committee on Finance be directed to investigate a claim held by George H. Murphy, for lands purchased of the State, the title to which failed, and if the same be just, that they incorporate the same in special appropriation bill.

Which resolution was adopted.

Mr. Brown of Wells, offered the following :

Resolved, That a committee of eleven be appointed, to be denominated the Committee on the Agricultural College of the State.

Mr. Vawter moved to amend by retaining the committee of last session.

Which was accepted and agreed to.

Mr. Vawter offered the following resolution :

Resolved, That the Committee on Education be directed to enquire into the expediency of so amending the school law :

First, To establish high-school districts.

Second, To provide a board to consist of the trustee and actual teachers in each township, to decide what text books shall be used in the schools of that township.

Third, Whether it is desirable to have free schools for a greater length of time, and if so, what legislation will be necessary to effect that object.

Which resolution was adopted.

Mr. Staggs offered the following resolution :

Resolved, That the Auditor of State draw his warrant on the Treasurer of State, in favor of Patrick Brennin, for nine days services rendered the Legislature at last session, at five dollars per day.

Mr. Oyler moved to refer to the Committee on Claims,
Which was agreed to.

On motion of Mr. Bennett,

The reference of Senate bill 204, "a bill in relation to witnesses," was changed from the Committee on the Judiciary, to the Committee on Rights and Privileges of the inhabitants of this State.

Mr. Mason moved to refer Senate bill No. 66 back to the Select Committee on that subject.

Which was agreed to.

BILLS INTRODUCED.

Mr. Allison introduced

Senate bill No. 246. An act to repeal the 17th section of an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.

Which was read a first time and passed to a second reading.

Mr. Allison moved to read the bill by title.

Which was agreed to.

Senate bill 246 was read a second time by title and referred to the Committee on Corporations.

Mr. Cullen introduced

Senate bill No. 247, entitled "an act to authorize plank, Macad-

amized and gravel, road companies to enter upon adjacent lands and appropriate and remove earth, stone, timber and gravel, for the construction of their roads, and matters properly connected therewith, and declaring an emergency."

Which was read a first time and passed to a second reading.

Mr. Cullen moved to suspend the rules and read the bill a second time now.

Which was agreed to.

Senate bill No. 247 was read a second time and referred to the Committee on Roads.

Mr. Culver introduced

Senate bill No. 248, entitled "an act to restrain certain animals, therein named, from running at large."

Which was read a first time and passed to a second reading.

Mr. Dykes introduced

Senate bill No. 249, entitled "an act defining the powers of companies organized to construct canals for hydraulic purposes."

Which was read a first time by section, and a second time by title, for reference.

Mr. Dykes moved to refer Senate bill No. 249 to the Committee on Canals and Internal Improvements.

Which was agreed to.

Mr. Niles introduced

Senate bill No. 250, entitled "an act to secure a just valuation of all railroad property within this State for assessment and taxation for State, county and town purposes, to legalize the valuation and assessments, and the adjustment and payment of taxes for such property heretofore made, and providing for an appeal to the State Board of Equalization."

Which was read a first time.

Mr. Vawter moved that the bill be read a second time by title and referred to the Committee on Railroad Appraisements.

Which was agreed to.

Mr. Vawter was made Chairman of said committee.

Mr. Vawter introduced

Senate bill No. 251. A bill to amend sections 14, 15 and 24, of an act entitled, "an act for the opening, vacating and change of highways," approved June 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Cason introduced

Senate bill No. 252. An act to amend the 2d section of the act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building, purposes," approved May 20, 1852.

Senate bill No. 252 was read a first time.

Mr. Cason moved that the bill be read a second time, by title, and referred to the Committee on Roads.

Which was agreed to.

Mr. McClurg introduced

Senate bill No. 253, entitled, "an act to relieve Auditors, Treasurers, Township Trustees, Assessors and other officers, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, &c., approved March 2, 1865. and declaring an emergency.

Which was read a first time and passed to a second reading.

Mr. Culver introduced

Senate bill No. 254, entitled an act to amend section 2 of an act entitled "an act to provide a treasury system for the State of Indiana for the manner of receiving, holding and disbursing, the public moneys of the State, and for the safe keeping of public moneys."

Senate bill No. 254 was read a first time by sections, a second time by title and referred to the Committee on Finance.

Mr. Cobb introduced

Senate bill No. 255. A bill to amend the 2d section of an act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities and missionary boards," approved February 28, 1855. Approved March 5, 1859.

Which was read a first time and passed to a second reading.

Mr. Allison introduced

Senate bill No. 256, entitled an act to amend section 40, clause 30, of an act entitled "an act granting the citizens of the town of Evansville a city charter," approved January 27, 1847.

Senate bill No. 256 was read a first time by sections, a second time by title, and referred to the Committee on Corporations.

Mr. Bennett introduced

Senate bill No. 257, entitled "a bill to authorize the location and maintenance of private cemeteries, and affix penalties for violation of its provisions,

Which was read a first time by sections, a second time by title, and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Hanna introduced

Senate bill 258. An act to amend section 96 of "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Mr. Hanna moved that

Senate bill No. 258 be read a first time, and referred to the Judiciary Committee,

Which was agreed to.

Mr. Bennett introduced

Senate bill No. 259, entitled a bill to amend section 21 of "an act prescribing the manner of holding elections,"

Which was read a first time by sections, a second time by title, and referred to the Committee on the Judiciary."

Mr. Culver introduced

Senate bill No. 260. An act to amend section 207 of article 11 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in this State, to abolish distinct forms of action at law, and to provide for the administration

of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time by sections, a second time by title and referred to the Judiciary Committee.

SENATE BILLS ON SECOND READING.

Senate bill No. 230, entitled "an act in relation to the organization of the Senate and House of Representatives,"

Which was read a second time, and

On motion of Mr. Bennett,

Was referred to the Committee on Finance."

Senate bill No. 231. An act to legalize and render valid and effectual all the orders, judgments and other proceedings, made, rendered, and had by and before the Common Pleas Court of Clinton county, in this State, held in the court house of said county, in the months of October and November, in the year one thousand eight hundred and sixty-five, and then and there, by and before the several judges of the said county,

Which was read a second time and passed to a third reading.

Senate bill No. 232, entitled a bill appropriating a certain sum of money for the payment of Washington H. Talbott, and the heirs of Francis Costigan, deceased,

Was read a second time.

Mr. Cobb moved to refer to the Committee on Claims,

Which was agreed to.

Senate bill No. 233. An act to enable any child heretofore adopted, or which may be hereafter adopted by any person under the laws of any State of the United States, to take and hold real estate in this State, as if the child had been adopted under the laws of, and within the State of Indiana,

Was read a second time, and

On motion of Mr. Oyler,

Was referred to the Committee on the Judiciary.

Senate bill No. 234, entitled an act supplemental to an act, approved June 11, 1862, entitled "an act for the incorporation of towns defin-

ing their powers, providing for the election of the officers thereof, and declaring their duties,

Which was read a second time.

Mr. Van Buskirk moved to refer to the Committee on Corporations,

Which was agreed to.

Senate bill No. 235, entitled an act to amend an act entitled "an act in relation to county auditors," approved May 31, 1852, was read second time, and

On motion of Mr. Culver,

Referred to the Committee on County and Township Business.

Senate bill No. 236. A bill requiring railroad companies to furnish transportation to persons desiring to ship live stock or other freight over their roads, and requiring such companies to charge a uniform rate therefor,

Which was read a second time, and

On motion of Mr. Oyler,

Referred to a special committee consisting of one from each Congressional district.

Senate bill No. 237. An act entitled an act requiring all property hereafter sold by virtue of an order of court, or in pursuance of any process of law, to be sold without appraisement, and repealing all laws inconsistent therewith,

Which was read a second time, and referred to the Judiciary Committee.

Senate bill No. 238. An act prescribing certain qualifications of attorneys at law for practicing in the courts of this State, and declaring the punishment for the violation of the same, and repealing all laws in conflict therewith.

Which was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 239. An act authorizing the sessions of Common Pleas Courts in this State after the time of holding Circuit Courts,

when the time of their sessions comes in conflict, and declaring an emergency.

Pending the reading of which,

Mr. Bennett moved to read bills on second reading by title only for the purpose of reference.

Mr. Oyler moved to lay the motion on the table.

Messrs. Bennett and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Cobb, Culver, Dykes, Finch, Fuller, Hyatt, McClurg, Mason, Oyler, Staggs, Terry, Thompson, Ward and Williams—16.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Chapman, Cullen, English, Gaff, Gifford, Hanna, Jinkens, Miliken, Moore, Newlin, Niles, Noyes, Reagan, Van Buskirk and Wright—20.

So the motion does not lie on the table.

The question being on Mr. Bennett's motion,
It was agreed to.

Senate bill 239 was read by title only.

Mr. McClurg moved to refer to the Committee on the Organization of Courts.

Which was agreed to.

Senate bill No. 240. An act to amend sections 3 and 4 of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt or other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contravening the provisions of the act, and prescribing penalties for the violation thereof," approved March 5, 1859, and prescribing penalties in case of a second or subsequent conviction.

Which was read the second time by title only, and referred to the Committee on Temperance.

Senate bill No. 241, entitled an act to amend an amendment of an act entitled an "act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled 'an act to revise, simplify and abridge, the rules, practice, pleadings and forms, of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force," which took effect and went into force March 17, 1861.

Was read a second time by title, and,

On motion of Mr. Oyler,

Referred to the Judiciary Committee.

Senate bill No. 242, entitled an act to amend section 11 of "an act to fix the time of holding Common Pleas Courts in the counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1865.

Was read a second time by title, when

Mr. Van Buskirk moved to refer to a select committee, consisting of the Senators from Madison, Henry, Hancock, Rush and Decatur, counties.

Which was agreed to.

Senate bill No. 243. An act to fix the time of holding the Circuit Courts in the Fourth Judicial Circuit of the State, composed of the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, repealing all laws in conflict therewith.

Senate bill 243 was read a second time by title only.

Mr. Van Buskirk moved to refer to a select committee, consisting of the Senators from Madison, Henry, Hancock, Rush and Decatur, counties.

Which was agreed to.

Senate bill No. 244. An act to amend an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852,

Was read a second time by title only, and referred to the Committee on the Organization of Courts.

Senate bill No. 245, entitled an act in relation to the admission of the testimony of jurors in granting new trials,

Was read a second time by title only, and referred to the Judiciary Committee.

Mr. Wright moved to take up

Engrossed House bill No. 55, entitled a bill authorizing persons therein named to dig a canal from the Calumet river to Lake Michigan, for the purpose of draining a portion of the swamp lands of Lake and Porter counties, and refer it to the Judiciary Committee.

Which was agreed to.

On motion by Mr. Van Buskirk,
The Senate adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

The Senate met.

Mr. Vawter asked and obtained leave of absence for Mr. Cobb.

Mr. Oyler asked and obtained leave of absence for Mr. Hyatt.

Mr. Culver asked and obtained leave of absence for Mr. Staggs.

Mr. Wright moved to take up

House bill No. 63. An act relating to corporations for mechanical, manufacturing, mining, and quarrying purposes.

Mr. Wright moved to refer to the Committee on Corporations.

Which was agreed to.

Mr. Wright moved to take up

Engrossed House bill No. 187. An act authorizing and requiring the Commissioners of the State Debt Sinking Fund to make settle-

ment with the Sinking Fund Commissioners for \$422,000, war loan bonds purchased by Sinking Fund Commissioners with moneys belonging to the Common School Fund; also, the sum of \$164,000, belonging to the Common School Fund, advanced by the Sinking Fund, to pay the interest on the State debt; also, the sum of \$33,536.09, Saline Fund, and \$22,947, Bank Tax Fund, directing the transfer to the Common School Fund of the State of Indiana, of so much of the two and one-half and five per cent. certificates of the stock of the State, as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act; authorizing and directing the proper officers of State to issue a bond of the State for the amount thereof, bearing six per cent. interest, payable semi-annually, and principal payable and redeemable at the pleasure of the State; directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking effect of this act.

Mr. Wright moved that the bill be recommitted to the Committee on Finance.

Which was agreed to.

Mr. Brown of Hamilton moved that Senate bill No. 205, entitled an act to fix the time for holding the Circuit Court in the several counties composing the seventh judicial circuit, and repealing all laws in conflict therewith, be recommitted to the Committee on the Organization of Courts.

Which was agreed to.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 21, entitled an act to amend sections 9, 10, 18, 23, 24 and 33, of an act entitled "an act to incorporate the town of Vernen, Jennings county, Indiana," approved January 22d, 1851,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of S. J.—11

Hamilton, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—38.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 22. An act to amend section ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Dykes, Finch, Fuller, Gaff, Gifford, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—35.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 27, entitled an act to amend section four of an act entitled "an act prescribing certain misdemeanors punishable only by a justice of the peace," approved June 7, 1852,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Dykes, Fuller, Gaff, Hanna, Jinkens, Marshall, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—34.

Those who voted in the negative were,

Messrs. Finch, Gifford and Moore—3.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 64, entitled "an act to provide for a registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and providing compensation for the services of such officers,"

Was read a third time.

Mr. Brown, of Wells, moved to indefinitely postpone.

Mr. Oyler moved to amend by making the bill the special order for Wednesday next, at 2 o'clock P. M.,

Which was agreed to.

Engrossed Senate bill No. 87. An act to amend the 17th section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contests thereof," approved May 31, 1853.

Was read a third time.

Mr. Cobb moved to recommitted the bill to the Committee on the Judiciary.

Mr. Mason moved to amend by laying the bill on the table.

Which was accepted by Mr. Cobb, and agreed to.

Engrossed Senate bill No. 106. An act to amend section 119 of an act entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in criminal actions in the courts of this State," approved June 17, 1852, so far as to strike out so much thereof as requires the appellee to pay the costs of the appeal when the decision of the court below is decided to be erroneous.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dykes, Finch, Gaff, Gifford, Hanna, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Wright and Mr. President—36.

Mr. Jinkens being the only one who voted in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

The President of the Senate announced the following select committee on Senate bill No. 236:

6th District—Senator Oyler, Chairman.

1st District—Senator Williams.

2d District—Senator English.

3d District—Senator Vawter.

4th District—Senator Van Buskirk.

5th District—Senator Ward.

7th District—Senator Hanna.

8th District—Senator McClurg.

9th District—Senator Terry.

10th District—Senator Chapman.

11th District—Senator Brown of Hamilton.

Engrossed Senate bill No. 138. An act amending section 30 of "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

The question being upon the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Dykes, Gifford, Mason, Milliken, Oyler, Reagan, Richmond, Thompson, Vawter, Ward, Williams and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Wells, Cobb, English, Finch, Gaff, Hanna, Jinkens, Marshall, Moore, Newlin, Niles, Noyes, Staggs, Terry, Van Buskirk and Wright—18.

So the bill did not pass for want of a constitutional majority.

Engrossed Senate bill No. 140, entitled an act to amend section 8 of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers, approved June 7, 1852.

Was read a third time.

Mr. Brown of Wells, moved to lay the bill upon the table.
Which was agreed to.

Mr. Douglas asked to have his vote recorded on Senate bill No. 27.
Which was agreed to.

Mr. Douglas voted in the affirmative.

Engrossed Senate bill No. 142, entitled "an act defining the crime of drunkenness, and prescribing the penalty therefor."

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of

Hamilton, Brown of Wells, Cullen, Culver, Dykes, English, Fuller, Gaff, Gifford, Hanna, Jinkens, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Cason, Cobb, Douglass, Finch, Mason, Moore and Marshal—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 152, entitled an act to amend section 7 of an act entitled “an act touching the laying out and vacating towns, streets, alleys, public squares and grounds, or any part thereof, the making out and recording of plats of said towns, and providing for the change of the names of such towns,” approved May 20, 1852,
Was read a third time.

The question being on the passage of the bill—shall the bill pass?

Mr. Cobb moved to lay the bill on the table.
Which was agreed to.

Engrossed Senate bill No. 156, entitled an act to amend the 14th section of the act entitled an act to limit the number of grand jurors, and point out the manner of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 4, 1852, and to change the form of the oath of grand jurors,
Was read a third time.

The question being on the passage of the bill,
Mr. Van Buskirk moved to lay the bill on the table.

Messrs. Oyler and Van Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowman, Brown of Hamilton, Brown of Wells, Cullen, English, Finch, Gifford, Jinkins, Marshal, Mason, Moore, Newlin,

Niles, Noyes, Reagan, Staggs, Van Buskirk, Vawter, Ward, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Barker, Bennett, Bonham, Cason, Cobb, Culver, Douglas, Dykes, Fuller, Gaff, Hanna, Milliken, Oyler, Richmond, Terry, Thompson and Mr. President—18.

So the bill was laid on the table.

Engrossed Senate bill No. 164, entitled "an act touching the disposition of lots, streets, alleys, public squares and grounds within the corporated limits of any incorporated city of this State, heretofore vacated or hereafter to be vacated."

Was read a third time.

The question being on the passage of the bill,

Mr. Bennett moved to lay the bill on the table.

Which was agreed to.

Engrossed Senate bill No. 175. An act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and for mutual protection, and repealing all laws inconsistent herewith,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dykes, English, Finch, Fuller, Gaff, Gifford, Jinkens, Marshall, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—39.

Mr. Moore voting in the negative.

So the bill passed.

The question being shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Brown, of Wells, moved that when the Senate adjourn, it be until to-morrow morning, at 9 o'clock.

It was so ordered.

Senate bill No. 185, entitled "an act for the incorporation of hotel companies,"

Was read a third time.

The question being on the adoption of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Wells, Cason, Chapman, Cobb, Cullen, Davis, Dykes, Finch, Fuller, Gaff, Gifford, Hanna, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 206, entitled an act supplemental to an act entitled "an act to authorize, regulate and confirm the sale of railroads, to enable purchasers of the same to maintain the same," approved March 3, 1865; "and for the purpose of making the same more definite and certain, to form and exercise corporate powers, and to define their rights, powers and privileges, to enable such corporations to purchase and contract, connecting on branch roads, and to operate the same.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of

Wells, Cason, Chapman, Cobb, Davis, Dykes, Finch, Gaff, Gifford, Jinkens, McClurg, Mason, Milliken, Newlin, Oyler, Reagan, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams and Mr. President—29.

Those who voted in the negative were,

Messrs. Cullen, Fuller, Moore, Noyes and Wright—5.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 211. An act supplemental to an act entitled "an act to incorporate the White River Navigation Company," approved February 13, 1851, and an act entitled an act to amend the third section of an act entitled "an act to incorporate the White River Navigation Company," approved February 13, 1851, "and to extend the rights and privileges of said company," approved June 16th, 1852, "and to further extend the rights and privileges of said company,"

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Brown of Wells, Cason, Chapman, Cobb, Cullen, Davis, Dykes, Finch, Fuller, Gaff, Gifford, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams Wright and Mr. President—34.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 221, entitled "an act for the punishment of officers of elections for receiving illegal votes,"

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Wells, Cason, Chapman, Cobb, Cullen, Davis, Dykes, Finch, Fuller, Gaff, Gifford, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Wright and Mr. President—35.

None voting in the negative,

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 226. An act to amend sections 10, 12, 13, 14, 15, 16, 17, 18, 21 and 22, of an act entitled "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and providing when the same shall take effect.

Was read a third time.

Mr. Cobb, moved to recommit the bill to the Committee on the Organization of Courts, with the following request to amend by striking out all that relates to prosecuting attorneys, in this:

"That where ten occurs insert five," and "all that relates to jurors and witnesses before justices of the peace, and leave the same as the old law."

Mr. Bennett moved to lay the motion on the table,
Which was not agreed to.

Mr. Brown of Wells, moved to amend by including "jurors of a higher court,"

Which was agreed to.

The question being on the motion to recommit the bill to the Committee on Organization of Courts.

It was agreed to.

On motion of Mr. Van Buskirk,

The Senate adjourned until 9 o'clock, A. M., Nov. 25, 1865.

SATURDAY MORNING, 9 o'clock, }
November 25, 1865.

The Senate met.

The Secretary proceeded to read the journal, when,

On motion of Mr. Gifford,

The further reading of the journal was dispensed with.

Mr. Gifford asked and obtained leave of absence for Mr. Niles until Tuesday next.

Mr. Knox asked and obtained leave of absence for Mr. Brown until Tuesday next.

Mr. Bonham asked and obtained leave of absence for Mr. Williams until Tuesday next.

Mr. Allison asked and obtained leave of absence for himself until Tuesday next.

Mr. Cullen presented the following claim :

State of Indiana, debtor to Edwin May, architect of the North ern Indiana State Prison, for furnishing plan of prison, walls, towers, workshops, and plan of kitchen, dining-room, heating and ventilating apparatus of said prison, plan of cells, fastenings, under

his patent, to be use for the Northern Indiana State Prison ; including, also, working plan and specifications, the sum of \$5,000.

The above account is correct, and allowed by the Board of Control.

J. W. BLAKE,
B. F. MULLEN,
JOHN P. DUNN,

Which was laid on the table.

BILLS ON FIRST READING.

Mr. Cullen moved to suspend the previous order of business and take up Senate bills on second reading.

Which was agreed to.

Senate bill No. 248. An act to restrain certain animals therein named from running at large.

Was read a second time by title, and referred to the Committee on the Organization of Courts.

Senate bill No. 251. A bill to amend sections 14, 15 and 24, of an act entitled "an act to provide for the opening, vacating and changing of highways, approved June 17, 1852.

Was read a second time by title, and referred to the Committee on Roads.

Senate bill No. 253. An act to relieve County Auditors, Treasurers, Township Trustees, Assessors and other officers, for the year 1865, from the penalties attached for the violation of an act entitled "an act against the keeping of useless and sheep-killing dogs, &c.," approved March 2, 1865, and declaring an emergency.

Was read a second time by title, and referred to the Committee on Agriculture.

Senate bill No. 255, entitled a bill to amend the 2d section of an act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved March 5, 1859.

Was read a second time by title, and referred to the Committee on Education.

Mr. Chapman moved to take up House bills on second reading.

Which was agreed to.

House bill No. 71. A bill to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said Board to loan any monies belonging to said fund in Indiana State bonds, or stocks, and providing for the canceling of such bonds or stocks, and the re-issuing of non-negotiable bonds or stocks, payable to said funds.

Was read a second time by title, and referred to the Committee on Finance.

On motion by Mr. Cullen,

The Senate adjourned until Monday, at 2 o'clock P. M.

MONDAY, 2 O'CLOCK. P. M. }
November 27, 1865. }

The Senate met.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

The President laid before the Senate two petitions on the subject of temperance,

Which, on motion by Mr. Thompson, were referred to the Committee on Temperance.

Mr. Culver presented a petition praying for the repeal of "an act for the relief of the families of soldiers, seamen and marines," approved March 4, 1865.

Which was referred to the select committee on that subject.

REPORTS FROM SELECT COMMITTEES.

Mr. Brown of Wells, moved to enlarge the committee on Senate bill No. 137, on the subject of gas.

The committee consists of Messrs. Brown of Wells, Hannah, Barker, Davis, Wright, Jenkins and Hord.

Mr. Hanna introduced

Joint resolution No. 21, as follows, to-wit :

JOINT RESOLUTION ON THE SUBJECT OF STATE TAXATION.

WHEREAS, By certain acts of Congress, approved March 3, 1844, June 30, 1864, and other enactments, certain bonds and certificates, of indebtedness, (meaning nation currency, treasury notes &c.,) issued by the authority of the Government of the United States, are declared exempt from State, County and municipal taxation, to the great injury and oppression of those who have no such bonds and certificates for non-taxation, and

WHEREAS, The said class of bonds and certificates, not being taxed, throws upon other property the whole burthen of taxation, and renders it unjust and oppressive to the great majority of our citizens ; and

WHEREAS, These bonds and certificates amount to many millions, from which neither the State, the Counties, nor the incorporated cities and towns of the State derive any revenue whatever ; and

WHEREAS, In the opinion of this General Assembly it is lawful and propose that all of its citizens should be taxed for the support of the State and Federal Governments according to the means which they possess, whether their wealth is in farming lands, houses, factories, shops, mercantile establishments, money on hand or at interest, bonds or securities of the Federal or State Governments, shares of stock in National Banks or other Banks, or whatever else of permanent value they own or control, and from which they receive support or income ; and

WHEREAS, It is the bounden duty of this General Assembly to secure all classes of its constituency exemption from oppression in the payment of an undue share of taxes, and to provide against the existence of privileged classes in our midst, who seek by specious and artful laws to be exempted from a fair share of the public burthens ; but that all shall bear these burthens according to their actual ability, without reference to the kind or nature of the wealth which they possess ; and

WHEREAS, In times like the present, at the close of a bloody and expensive war, when the people of the nation, the States, the counties and the municipalities, are struggling with large and crushing public debts and never ending taxes, it is the duty of every man to exhibit his patriotism and care of country by voluntarily coming forward and placing his wealth, of whatsoever kind, on the tax duplicate of his State, county or municipality, and bear his honest share of the public burthen; and

WHEREAS, The people of Indiana, always anxious to maintain the National and State credit, and to bear all fair and honest burthens which may be laid upon them for that purpose, are yet firmly of the opinion that these taxes should be equal, and that all property within the State should be taxed without reference to its quality or kind, and that all our citizens should pay in proportion to the wealth which they possess; and as we regard it, the solemn duty of this General Assembly to supply, by appropriate legislation, a remedy for the evils entailed upon us by the unwise enactments of the Federal Congress; therefore,

Resolved by the General Assembly of the State of Indiana, That the Auditor of State be directed to place in the hands of the Auditor's of the various counties of the State, properly prepared blank forms, to be used by assessors, in their respective townships, whose duty it shall be to place on the tax duplicates the income received by residents or citizens of Indiana, from all United States bonds, coupons, certificates of indebtedness from the same, and all and every description of income from the various classes of United States bonds, viz: five-twenties, seven-thirties, ten-forties, treasury notes, certificates of deposit with the United States and other income derived from the Government, except the income paid the officers and soldiers of the regular or volunteer armies and navy of the United States, and all such income shall be taxed 25 per cent. for State and county purposes; and be it further

Resolved, That the Auditor of State shall also prepare, and furnish to the county Auditors, at the same time and in the same paper, blank forms to be used in assessing the value of all shares of Stocks, held by residents and citizens, (and non-resident holders, if there be such), in any of the National Banks of this State, and all these shares of stock, and surplus earnings on hand, shall pay a tax equal to that levied on other property for State, county, township and school purposes, and no more.

Which was read a first time.

Mr. Oyler moved to suspend the rules, and read the resolutions by title,

Which was agreed to.

Mr. Oyler moved to refer to a select committee of one from each Congressional district,

Which was agreed to.

SENATE BILLS ON FIRST READING.

Mr. Cason introduced

Senate bill No. 261, entitled an act to amend the second and fifth sections of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855,

Which was read a first time by sections, a second time by title, and referred to the Committee on the Judiciary.

Mr. Chapman introduced

Senate bill No. 262. An act to make an appropriation to pay the balance of the quota of this State of the expenses of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, as assessed by the Board of Managers, of said Association,

Which was read a first time by sections, a second time by title, and referred to the Committee on Finance.

The President (Mr. Moore in the chair) introduced

Senate bill No 263, entitled a bill to repeal an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11th, 1861, and providing that "nothing in the act shall be so construed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,'" approved June 15, 1852,

Which was read a first time.

Mr. Dunning moved to suspend the rules and read the bill by title, for reference,

Which was agreed to.

Mr. Oyler moved to refer to the Committee on Agriculture,
Which was agreed to.

Mr. Cason introduced

Senate bill No. 264. "An act to authorize County Commissioners to grant the right to swing gates on county and private roads, and prescribing penalties,"

Which was read a first time.

Mr. Cason moved to suspend the rules, and read the bill a second time by title, now,

Which was agreed to.

Mr. Cason moved to refer the bill to the Committee on Roads,
Which was agreed to.

Mr. Brown of Wells, introduced

Senate bill No. 265. "An act fixing the time of the terms of the Wells Circuit Court, prescribing the duration thereof, providing for returns of process therein, repealing conflicting laws, and declaring when this act shall take effect,"

Which was read a first time.

Mr. Brown moved to suspend the rules and read the bill a second time, now, by title, and refer to the Committee on Organization of Courts,

Which was agreed to.

Mr. Gifford moved to take up House bills on first reading,
Which was agreed to.

Engrossed House bill No. 21. A bill to amend section 22 of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852,

Was read a first time and passed to a second reading.

On motion,

The Senate adjourned till to-morrow morning, at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
November 28, 1865. }

The Senate met.

The journal was read and approved.

The President announced the following Committee on the joint resolution of Senator Hanna :

Senator Hanna, 7th district, Chairman.

- “ Finch, 1st district.
- “ Bradley, 2d district.
- “ Allison, 3d district.
- “ Cullen, 4th district.
- “ Bennett, 5th district.
- “ Oyler, 6th district.
- “ McClurg, 8th district.
- “ Wright, 9th district.
- “ Chapman, 10th district,
- “ Brown of Wells, 11th district.

Mr. Chapman presented a petition on the subject of temperance,
Which was referred to the Committee on Temperance.

Mr. Oyler presented a petition on the subject of temperance,
Which was referred to the Committee on Temperance.

Mr. Chapman from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred the claim of George H. Murphy, asking the State to refund the purchase money, interest and improvement, on certain land purchased of the State as swamp land, have had the same under consideration, and have instructed me to report the same back to the Senate, with the recommendation that it be referred to the Committee on Claims,
Which was concurred in.

Mr. Vawter introduced the following resolution :

Resolved, That the Senate, the House of Representatives concurring, adjourn, *sine die*, Saturday December 9th, at 12 o'clock M.

Mr. Bennett moved to lay the resolution on the table.

Messrs. Bennett and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Chapman, Cullen, Hanna, McClurg, Milliken, Noyes, Oyler, Reagan, Richmond, Thompson, Ward, Woods, Wright and Mr. President—17.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cason, Cobb, Davis, Dykes, Finch, Fuller, Gifford, Jinkens, Marshall, Mason, Moore, Staggs, Terry, Vawter and Williams—20.

So the resolution was not laid on the table.

Mr. Bonham offered the following amendment:

“ Provided, There is no further business.”

Mr. Cason moved to refer the resolution and amendment to the Committee on Finance,

Which was agreed to.

The President laid before the Senate the following communication from Mr. Foster, the State Librarian.

To the President and Members of the Senate:

Though not required by the statutes to make a report at the present session of your honorable body, I nevertheless deem it a duty to present to you an abstract statement of the condition of the department which you have confided to my care and keeping.

Since the last regular session, but few additions have been made to the Library, owing, in part, to the want of room for books, and the unusual high prices of standard works.

I have effected quite a number of exchanges for duplicate copies of Indiana Reports, and in this way have been enabled to husband the library funds.

The standing appropriation for the current year, was all exhausted

when I came into office, hence I have drawn from the fund appropriated at the last session, the greater part of which still remains in the State Treasury.

Quite a large number of reports, journals, laws and other public documents, have been received from different States and the Canadas, a register of which may be found in the library.

Among the additions to our Trophy Hall, will be found the following: One hundred and twenty-eight flags, belonging to infantry regiments; four flags, belonging to cavalry regiments; three flags, belonging to batteries; seventeen guidons; one rebel flag, captured at Pleasant Hill, Louisiana, by the 16th Mounted Infantry, April 9, 1864; one large rebel flag, captured at Columbia, South Carolina, and presented to Governor Morton by the 140th Regiment Indiana Volunteers, taken from the Capitol Buildings; one rebel flag captured at Columbia, South Carolina, by U. S. forces February 17, 1865, and presented to Governor Morton by Adjutant Parks, of the 12th Regiment Indiana Volunteers; one rebel black flag, raised by the rebels on the College Building at Russellville, Kentucky, and captured with a lot of ordnance stores by a detachment of Company A, 50th Regiment Indiana Volunteers, under command of Lieut. McCoy, and deposited in the library by Lieut. Col. T. T. Welles, 50th Regiment Indiana Volunteers; one saw-fish, deposited in the library by Abel Wilson, Company B, 147th Regiment Indiana Volunteers, captured at Indianola, Texas; one large tooth, found in the bed of White river 25 years ago, deposited in the library by Thomas J. Brooks; one rebel sword, captured in action near McMinnville, Tennessee, and presented by Captain J. J. Howard, 17th Regiment Indiana Volunteers; one breech-loading cannon, made at Macon, Georgia, for Forrest's rebel cavalry, captured at Selma, Alabama, by the 17th Regiment Indiana Volunteers, dug up from the cemetery.

We feel much the need of more room for library purposes, as well as the flags and trophies that are now rapidly accumulating in our Trophy Department. When the rooms now occupied by the Adjutant-General are vacated, this inconvenience will be remedied; and yet it may be well for your honorable body to consider the insecure and unsafe condition of the library and relics of the war. In case of fire it would be impossible to save from the conflagration many of the books and trophies now in the library; and, while the books might some of them be replaced, no money could replace the sad mementoes which tell of the part that Indiana has taken in this great

struggle for the nation's life and the preservation of that glorious Union bequeathed to us by the Fathers of the Republic.

All of which is respectfully submitted.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 21, entitled a bill to amend the 22d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 231, entitled an act to legalize and render valid and effective all orders, judgments and other proceedings, made, rendered and had, by and before the Common Pleas Court of Clinton county in this State, held in the Court House of said county, in the months of October and November, in the year one thousand eight hundred and sixty-five, and then and there, by and before, the several judges of said court.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dykes, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Mr. President—38.

Mr. Williams only voting in the negative.

So the bill passed.

The question being, shall the title of the bill, as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

HOUSE BILLS ON FIRST READING.

Engrossed House bill No. 106. A bill authorizing the construction of ware houses, for the inspection, storage and sale of tobacco,
Was read a first time and passed to a second reading.

Engrossed House bill No. 22. A bill to legalize the sale of certain school lands in Lake county,
Was read a first time and passed to a second reading.

Engrossed House bill No. 88. A bill authorizing certain corporations therein named, to change their corporate names,
Was read a first time and passed to a second reading.

House bill No. 126. "A bill to amend section 5 of an act entitled "an act to authorize the construction of levies and drains," approved, June 12th, 1852,
Was read a first time and passed to a second reading.

Engrossed House bill No. 147. A bill to amend section 6 of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852,
Was read a first time and passed to a second reading.

House bill No. 124. An act amending section 30 of "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.
Was read a first time and passed to a second reading.

Engrossed House bill No. 121. A bill to cure defective acknowledgments of deeds in certain cases,
Was read a first time and passed to a second reading.

Engrossed House bill No. 186. An act declaring the laws now in force sufficient to authorize the payment of the semi-annual installments of interest on the public debt, authorizing the payment thereof, as the same may become due, declaring specific appropriations therefor unnecessary, and providing for the punishment of any violation of the requirements of said act,
Was read a first time and passed to a second reading.

Engrossed House bill No. 135. A bill to amend section 651 of an act entitled "an act to revise, simplify and abridge the rules, practice, proceedings and forms in civil cases in the courts of this State,

to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, passed June 18, 1852,

Mr. Cason offered the following :

Resolved, That that part of the Governor's message in relation to the public debt, be referred to the Committee on Finance; that that portion of the message in relation to "Houses of Reform for Juvenile Offenders," be referred to the Committee on Benovolent Institutions; that that part of the message in relation to the "Soldiers' Relief Law," be referred to the special committee on that subject; that that part of the message in relation to "Soldiers' and Seamans' Home" be referred to a special committee of one from each Congressional district, to be appointed; that that part of the Governor's message in relation to "Official Bonds," be referred to the Committee on the Judiciary; that that part in relation to "Grand Juries," be referred to the Committee on the Judiciary; that that part of the message in relation to "Emigration," be referred to the special committee in relation to the World's Fair; that that part in relation to "Education" be referred to the Committee on Education; that that part of the message in relation to the "School Fund" be referred to the Committee on Education; that that part in relation to "Indiana Troops" be referred to the Military Committee; that that part of the message in relation the the "Reorganization of the Southern States," be referred to the Committee on Federal Relations; that that part in relation to the "Testimony of Colored Persons," be referred to the Committee on the Judiciary.

Mr. Thompson moved the following amendment :

That that part in relation to the "World's Fair," be referred to a special committee of one from each Congressional district, to be appointed,

Which amendment was adopted.

Mr. Oyler moved the following amendment :

That that part in relation to "Colored Persons" be referred to the Committee on Rights and Privileges of the Inhabitants of the State,

Which amendment was adopted.

Mr. Oyler from the Committee on the Organization of Courts made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 205, offered by Mr. Brown of Hamilton, entitled an act to fix the time of holding Circuit Courts in the several counties composing the Seventh Judicial Circuit, &c., have had the same under advisement, and having duly considered the same, have instructed me to report the same back to the Senate with the following amendment :

Strike out the word "two" in the eighth line of the first section, and insert in lieu thereof, the word "three," and when so amended, recommend the passage of the act.

Which report was concurred in.

Mr. Bonham moved to read the bill (No. 205), a third time now. Which was agreed to.

Senate bill No. 205 was read a third time.

On motion by Mr. Williams,

By unanimous consent the clause directing publication in newspapers was struck out.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President—42.

Mr. Moore only voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

The President (Mr. Bennett in the chair), laid before the Senate the following communication from the Governor :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }
INDIANAPOLIS, Nov. 28, 1865. }

Hon. Paris C. Dunning, President of the Senate :

SIR:—In reply to a communication to the Surgeon General, U. S. A., asking upon what terms the Tripler General Hospital was turned over to the State of Ohio, the enclosed communication has just been received. Please submit it to the Senate.

Respectfully, yours,
CONRAD BAKER,
Lieutenant Governor, acting as Governor.

SURGEON GENERAL'S OFFICE, }
Washington City, D. C., Nov. 25, 1865. }

Hon. Conrad Baker, Lieut. Governor of the State of Indiana :

SIR:—I have the honor to acknowledge the receipt of your letter of the 22d inst., and to inform you that the Tripler General Hospital, with an equipment of bedding and furniture, was turned over to the State of Ohio, the receipt of the Governor or his legal representative being given for the property.

Very respectfully, your obedient servant,
(Signed) C. W. CRANE,
Surgeon U. S. A.

For the Surgeon General.

Mr. Richmond moved to refer the message and accompanying document to the Special Committee on the Soldiers' Home.

Which was agreed to.

Engrossed House bill No. 12, entitled a bill to amend the 1st section of an act entitled "an act for the protection of Religious Meetings, Agricultural Fairs, and other lawful assemblages of the people," approved March 3, 1859.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Fuller, Hanna, Jinkens, Marshall, McClurg, Mason, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—36.

Those who voted in the negative were,

Messrs. Bowman and Moore—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 27, entitled an act to legalize the acknowledgements of all deeds, mortgages and other instruments required to be recorded, taken and certified by Notaries Public, who took and certified such acknowledgements after the expiration of their commissions.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods, Wright and Mr. President—39.

None voting in the negative,

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Gifford asked and obtained leave to record his vote on House bill No. 12.

Mr. Gifford's name being called, he voted aye.

Engrossed House bill No. 43, entitled an act to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of Judges thereof," approved June 11th, 1852,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dykes, Finch, Fuller, Gifford, Hanna, Marshall, McClurg, Mason, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Woods and Mr. President—28.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Brown of Wells, Culver, English, Jinkens, Milliken, Moore, Noyes, Thompson, Vawter, Williams and Wright—14.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen offered the following resolution:

Resolved, That when the Senate adjourn, it be to meet to-morrow morning, at 9 o'clock,

Which was adopted.

Mr. Cullen moved that the special order for 2 o'clock, P. M., be postponed till to-morrow morning at 10 o'clock,

Which was agreed to.

Mr. Dykes moved to take up the concurrent resolution on the subject of distribution of books by county officers,

Which was agreed to.

Mr. Dykes moved to concur in the resolution,

Which was agreed to.

A message was received from the House, by their Clerk, Mr. Nixon :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested :

Resolved by the House, the Senate concurring, That the Clerk of each Circuit Court, be authorized to distribute the surplus journals of the Senate and House, and acts in his possession, giving to each Township Trustee, and each Justice of the Peace, one copy of each, and dispose of the balance as his discretion may indicate ; provided that he reserve duplicate copies of each for his own office,

Which resolution was concurred in.

Mr. Cullen moved to take up the claim of Edwin May, as follows :

State of Indiana to Edwin May, Architect of Northern Indiana State Prison, Dr.,

For furnishing plans for prison walls, towers, workshop, kitchen, dining room, heating and ventilating apparatus of said prison, plan of cells and fastenings under his patent, to be used for the Northern Indiana State Prison ; including, also, working plans and specifications, \$5,000.

The above is correct, and allowed by the Board of Control.

J. W. BLAKE,
B. F. MULLEN,
JOHN P. DUNN.

And refer to the Committee on Claims,

Which was agreed to.

The following message was received from the House, by their Clerk, Mr. Nixon :

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has passed the following engrossed bills of the House, to-wit :

Engrossed House bill, No. 149. A bill to enable the board of directors of any incorporated turnpike company, to change the time of holding the election of directors.

Engrossed House bill No. 210. A bill to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws inconsistent herewith.

In which the concurrence of the Senate is respectfully requested.

I am also directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following Enrolled Act of the Senate, to-wit :

Enrolled Senate Act No. 16. An act to amend section 359 of an act entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which is respectfully returned to the Senate.

Mr. Brown of Wells, offered the following :

WHEREAS, The construction and operation of street railways in the State of Indiana is a subject of growing importance, and
WHEREAS, While it is the duty of the Legislature to foster improvements of public utility and value, it is equally their duty to protect the people against monopolies; therefore,

Resolved, That a committee of three be appointed, and they are hereby instructed to inquire what legislation, if any, is required in relation to the enlargement or restriction of the powers, rights, priv-

illeges and franchises, of street railways, and that they report at an early day by bill or otherwise.

Which resolution was adopted.

On motion by Mr. Oyler,
The Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }
November 29, 1865.

The Senate met.

The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Warren offered a petition, praying for the change of the law licensing the sale of spirituous liquors.

Which was referred to the Committee on Finance.

Mr. Newlin offered a petition, praying that the law be so changed as to the sale of spirituous liquors that no license be granted in any city or township, where a majority of the legal voters remonstrate against it.

Which was referred to the Committee on Finance.

REPORTS FROM STANDING COMMITTEES.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 244, an act to amend an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties, in civil cases,"

have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 239, an act authorizing the session of Common Pleas Courts in this State after the time of holding Circuit Courts, when the time of their session comes in conflict, and declaring an emergency, (presented by Senator McClurg), have had the same under consideration, and having duly considered the same, have instructed me to refer the same back to the Senate with the following amendment :

Add to the first section the words : "*Provided*, That the time of the Common Pleas Courts in such county shall not conflict with the time fixed by law for the holding of Common Pleas Courts in any other county of such Common Pleas District." Add to the second section the words : "*Provided*, That the time of the Common Pleas Court in such county shall not conflict with the time fixed by law for the holding of Common Pleas Courts in any other county of such Common Pleas District ;" strike out of the bill all of the preamble, and when so amended, the Committee recommend its passage.

Which report was concurred in.

Senate bill No. 239 was read a second time and passed to a third reading.

Mr. Cullen, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 52, entitled a bill to render uniform the assessment of personal property in the several townships of the different counties, have had the same under consideration, and direct me to report the same back to the Senate, without amendment, with the recommendation that the bill pass.

Which report was concurred in.

House bill No. 52, was read a second time and passed to a third reading.

Mr. Allison, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 187, an act to amend sections 3 and 53 of an act entitled "an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved February 14, 1848, and declaring an emergency, have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 187, was read a second time and passed to a third reading.

Mr. Cullen, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 121, entitled an act to amend section 14 of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, approved February 18, 1852, introduced by ex-Senator Peden, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same lie upon the table, for the reason that there is a bill now in the Senate which passed the House, covering precisely the same grounds.

Which report was concurred in.

Mr. Cullen, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 235, entitled an act to amend "an act in

relation to County Auditors," approved May 21, 1852, introduced by Senator Culver, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that the same lie upon the table,

Which report was concurred in.

Mr. Staggs, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred engrossed Senate bill No. 136, an act to amend sections 8 and 11 of "an act to provide for the more uniform mode of doing county and township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency, have had the same under consideration, and have instructed me to report the same back, and recommend that it lie on the table,

Which report was concurred in.

Mr. Oyler from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, who were instructed to report a bill or bills, at the earliest practicable time, reorganizing the courts of the State, have, after carefully considering the same, instructed me to report to the Senate,

First, Senate bill No. 266, entitled an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, and to repeal all laws in conflict therewith.

Second, An act districting the State for Judicial purposes, and

Third, An act to establish Probate Courts in each county,

Which are submitted herewith:

The Committee have been unable to arrive at an entire unanimity of opinion in regard to the change proposed, but a large majority of the Committee are of the opinion that the change proposed by the

series of bills, are imperatively demanded by the wants of the State, and that the change proposed would largely enhance the welfare of the people, add to the efficiency of our Judicial system, and make the course of justice more speedy and certain.

Senate bill No. 266 was read a first time.

Mr. Oyler moved to suspend the rules and read the bill (No. 266) a second time, now.

Messrs. Oyler, and Brown of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Chapman, Cobb, Culver, Davis, Dykes, Finch, Marshall, Mason, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods, Wright and Mr. President—27.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Corbin, Cullen, Douglas, English, Fuller, Gaff, Gifford, Hanna, Jinkens, McClurg, Milliken, Newlin and Vawter—18.

So the rules were not suspended.

The President announced the following Senate Committee on that part of the Governor's message, in relation to the Soldiers' Home:

8th District—Senator Cason, Chairman.
 1st District—Senator Williams.
 2d District—Senator Jinkens.
 3d District—Senator Allison.
 4th District—Senator Gifford.
 5th District—Senator Bennett.
 6th District—Senator Thompson.
 7th District—Senator Staggs.
 9th District—Senator Niles.
 10th District—Senator Douglas.
 11th District—Senator Richmond.

Also the following on that part of the Governor's message in relation to the World's Fair:

- 6th District—Senator Thompson, Chairman.
- 1st District—Senator Barker.
- 2d District—Senator Bowman.
- 3d District—Senator Vawter.
- 4th District—Senator Van Buskirk.
- 5th District—Senator Reagan.
- 7th District—Senator Moore.
- 8th District—Senator Milliken.
- 9th District—Senator Corbin.
- 10th District—Senator Dykes.
- 11th District—Senator Bonham.

Also the following on the resolution of the Senator from Wells, on Street Railroads:

Senators Brown of Wells, Mason and English.

Message from the Governor, by his Private Secretary, Mr. Jacobs:

To the President of the Senate:

I am directed by His Excellency, Conrad Baker, Lieut. Governor, acting as Governor, to inform the Senate that he has this day approved Senate bill No. 16, entitled an act to amend section 349 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1862, and caused the same to be deposited in the office of the Secretary of State.

The hour having arrived for the special order on Senate bill No. 196—

Mr. Oyler moved to concur in the amendments of the House of Representatives,

Pending which,

The following communication was received from the Governor, by his Private Secretary, Mr. Jacobs:

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }
November 29, 1865. }

To the Senate and House of Representatives:

I have just received from divers citizens of Monroe county the communication herewith respectfully transmitted, making a proposition for the establishment of an Agricultural College in that county, under the Congressional grant made in aid of institutions of this character. The proposition is highly creditable to the liberality of the gentlemen who make it, and their power to carry out the proposition, if accepted, cannot be doubted.

I trust it will, with other propositions heretofore made by citizens of other parts of the State, receive that careful consideration which the importance of the subject and the liberality of the proposition demands.

I beg leave, in this connection, to suggest that if it should be the pleasure of the General Assembly to locate an Agricultural College at Bloomington, in conjunction with the University, the sale of the land scrip which the State may receive under the grant, might be avoided by an assignment of the scrip to the Board of Trustees of the University. Such an assignment would enable the Trustees of the University to enter public lands in other States as the assignee of the State.

CONRAD BAKER,

Lieut. Governor, acting as Governor.

BLOOMINGTON, INDIANA, }
November 27, 1865. }

To His Excellency, Conrad Baker,

Governor of the State of Indiana:

The undersigned citizens of Monroe county, Indiana, being derirous of procuring the location of the Agricultural College at or near the town of Bloomington, with the State University, hereby pledge ourselves that the citizens of our county will purchase and donate to the Trustees of said Agricultural College, within three months after the location at this place.

The geological and mineralogical cabinet of the late Dr. David Dale Owen, which could not be procured in this country nor Europe

for less than seventy-five thousand dollars, (\$75,000), and also a proper and suitable farm near our town, that will be worth at least twenty-five thousand dollars, (\$25,000), which proposition we request your Excellency to lay before the Legislature.

SAMUEL H. BUSKIRK,	JAMES B. MULKEY,
J. S. SMITH HUNTER,	JAMES SMALL,
JAMES D. MAXWELL,	J. G. McPHEETERS,
GEORGE A. BUSKIRK,	MIKE GABBERD,
JOHN McCREA,	A. SUTHERLAND,
ROBERT C. FOSTER,	WILLIAM O. FEE,
J. ADKINS,	J. McCULLOUGH,
MATTHEW M. CAMPBELL,	JACKSON MISENER.
JOHN H. LOUDEN,	M. A. LEGG,
M. L. SNODGRASS,	JOHN M. BISHOP,
ED. P. FARMER,	STUART & CO.,
D. W. FISH,	J. C. WHISNANA,
WM. F. BROWNING,	THOMAS MULLIKIN,
J. F. CARTER,	SIMON KAHN,
M. J. SMITH,	J. T. HENDERSON,
DAVID SHEEKS,	MORTIN C. HUNTER.

STATE OF INDIANA, }
MONROE COUNTY. }

The undersigned, Clerk, Treasurer and Auditor, within and for said county, do hereby certify that the persons whose names appear to the foregoing proposition to the Legislature of the State of Indiana, now in session, are personally known to us to be men of character and standing in this community; and that we are satisfied, at a fair cash valuation, they are worth at least three hundred thousand dollars.

Witness our hands this 27th day of November, 1865.

MILTON McPHETRIDGE, *Auditor M. C.*

L. P. D. MITCHELL, *Treasurer M. C.*

DAVID SHEEKS, *Clerk M. C.*

The following message was received from the House, by their Clerk, Mr. Nixon :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Sen-

ate, that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested :

WHEREAS, Under the present law regulating the Indiana State Prison, (south) the Directors thereof ask an appropriation from the State Treasury, at each session of the Legislature, to defray the expenses of said Prison ; and,

WHEREAS, In the opinion of this General Assembly, said Institution can be so managed as to be self-sustaining and bring a revenue into the State Treasury ; and,

WHEREAS, The convicts in said Prison have been leased for a term of years, expiring in 1867, at the remarkable low rates of 40 cents per day ; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Hon. D. C. Williamson, Attorney General of this State, be instructed to inquire into the validity of said contracts, and report to this General Assembly whether, in his opinion, the State can, in any way, be relieved from said contracts.

I am further directed to say that the House has concurred in the following resolution of the Senate, to-wit :

Resolved by the Senate, the House concurring, That the message of His Excellency, the Governor, in relation to the procuring of a suitable building for State Officers, be referred to a committee of three on the part of the Senate, and five on the part of the House,

And that the Speaker has appointed Messrs. Prather, Gleason, Newcomb, Buskirk and Brown, said Committee on the part of the House.

I am further directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit :

Engrossed Senate bill No. 4. A bill to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein.

Engrossed Senate bill No. 25. An act defining certain misdemeanors, and prescribing punishment therefor.

Engrossed Senate bill No. 82. An act to authorize cities to prepare, execute, negotiate and sell bonds to procure means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special school tax, to provide means for the payment of the interest and principal of such bonds, and declaring an emergency.

Engrossed Senate bill No. 84. An act to amend section 2 of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852, so as to authorize the service of a warrant throughout the State.

Engrossed Senate bill No. 115. An act to amend section 11 of an act entitled "an act concerning county prisons, approved May 27, 1852.

I am further directed to inform the Senate that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is respectfully requested :

Engrossed House bill No. 82. A bill concerning the creation of corporations for the purpose of maintaining high schools within the State, and giving the requisite powers to such corporations.

Engrossed House bill 212. A bill to legalize the appraisement of real estate, made under the provisions of the act entitled "an act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved December 21, A. D. 1858, and the assessment and levy of taxes made, and to be made hereafter, on such appraisement.

The question being on concurring in the amendments of the House to Senate bill No. 196, Messrs. Vawter and Gifford demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Cason, Chapman, Culver, Dykes, Niles, Noyes, Oyler, Reagan, Terry, Van Buskirk, Ward and Woods—15.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Davis, Douglas, English, Finch, Fuller,

Gaff, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Richmond, Staggs, Thompson, Vawter, Williams and Mr. President—29.

So the amendment was not concurred in.

Senate bill No. 267, entitled an act districting the State for judicial purposes, and for fixing the time for holding the Circuit Courts in the several counties in the State.

Was read a first time, and passed to a second reading.

Mr. Beeson asked and obtained leave to record his vote on concurring in amendments to Senate bill No. 196.

Mr. Beeson voted aye.

Mr. Dunning moved to lay so much of Mr. Oyler's report as relates to Senate bill 187, and the bill (No. 187), on the table,

Which was agreed to.

Mr. Richmond, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 265, entitled an act fixing the time of the terms of the Wells Circuit Court, prescribing the duration thereof, providing for the return of process therein, repealing conflicting laws and declaring when this act shall take effect, have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 265, was read a second time and passed to a third reading.

Mr. Beeson from the Committee on Finance, made the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred Senate bill No. 182, an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, have

had the same under consideration, and have directed me to report the same back to the Senate, and that it be referred to the Committee on the Organization of Courts.

Which report was concurred in.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 12, an act authorizing creditors, in certain cases, to bring action on their claims before they are due, and have attachment against the property of the debtor, to garnishee property, monies, effects, the proceedings therein, and declaring when this act shall take effect, have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that it be referred to the Committee on the Judiciary.

Which report was concured in.

Mr. Bonham, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 230, entitled an act in relation to the organization of the Senate and House of Representatives, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage without amendment.

Which report was concurred in.

Mr. Woods, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee to whom was referred Senate bill No. 262, entitled an act to make an appropriation to pay the balance of the quota of this State of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, as assessed by the Board of Managers of said association, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 262 was read a second time, and passed to a third reading.

Mr. Bradley from the Committee on Finance made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Engrossed House bill No. 78, a bill to provide for the sale of certain lands belonging to the State of Indiana, in the counties of Jasper and Newton, and to give pre-emption to actual settlers thereon, have had the same under consideration, and have instructed me to report the same back to the Senate, with a recommendation that it pass,

Which report was concurred in.

House bill No. 78 was read a second time and passed to a third reading.

Mr. Richmond, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill, No. 53, entitled a bill to amend section 14 of an act entitled "an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved February 18, 1859, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

House bill No. 53, was read a second time, and passed to a third reading.

Mr. Cobb, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 216, a bill to repeal sections 43 and 44 of an act entitled "an act

prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate and contests thereof, approved May 31, 1852, have had the same under consideration, and have instructed me to report the same back, and recommend its passage,

Which report was agreed to.

Senate bill No. 216 was read a second time and passed to a third reading.

Mr. Dunning moved to take up that part of the Governor's message on the subject of agricultural colleges, and refer it to the select committee on that subject.

Which was agreed to.

On motion of Mr. Cullen,

The Senate adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The Senate met.

The hour having arrived for the consideration of the special order, House bill No. 64 was,

On motion of Mr. Oyler,

Taken from the table.

Engrossed Senate bill No. 64. An act to provide for the registry of voters, and to declare their residence and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and providing compensation for the services of such officers.

The question being on the passage of the bill,

Mr. Oyler moved to recommit the bill to the Committee on Elections with the following instructions :

First, To inquire whether the Legislature has the power to require a residence of ten days as provided in the first section of the bill.

Second, To amend the second section of the bill so that the oldest Justice of the Peace in each township shall act in conjunction with the Township Trustees, instead of the two oldest Justices of the Peace as now required.

Mr. Brown of Wells, moved to amend the bill so as to provide for an appeal from the Board of Registry, by any person personally aggrieved by their decision,"

Which was adopted.

The question recurring on Mr. Oyler's motion,
It was agreed to.

So the bill was recommitted.

Mr. Cullen, from the select committee to whom was referred Senate bill No. 66, made the following report:

MR. PRESIDENT:

The select Committee to whom was referred Senate bill No. 66, entitled an act to amend section 11 of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, creating a new district, and providing for the election of a Judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, have had the same under consideration, and have directed me to report the same back to the Senate, with the following amendment, to-wit:

Strike out the figures "1865" in the 63d line and insert the figures "1866," and when so amended, recommend its passage.

Which report was concurred in.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 215, entitled an act to amend section 27 of an act entitled "an act to revise simplify and abridge, the rules of practice, &c.," have directed me to report the same back to the Senate and recommend that it be amended as follows:

Amend by striking out the words, "or the Supreme Court," in the 5th line and 2d page of the amendatory section. Also, by striking out from the title all of the figures "1852," and with such amendments, they recommend the passage of the bill.

Senate bill No. 215 was read a second time.

Mr. Allison moved to strike out the words, "Common Pleas Judge."

Which was not agreed to.

Mr. Bowman, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 246, an act entitled an act to repeal the 17th section of "an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency," have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 246 was read a second time and passed to a third reading.

Mr. Cobb, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 212, a bill to amend section 23 of an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 212 was read a second time and passed to a third reading.

Mr. Hanna, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 213, entitled an act to amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their form and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 8, 1857, report that they have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that any further legislation on that subject is unnecessary.

Which report was concurred in.

Mr. Hanna moved that the bill and report lie upon the table.

Which was agreed to.

Mr. McClurg, from the select committee on Senate bill No. 227, made the following report :

MR. PRESIDENT :

The special committee, to whom was referred Senate bill No. 227, entitled an act for the relief of Isaac D. Armstrong, of the county of Clinton, in the State of Indiana, have had the same under consideration, and a majority of the committee have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Beeson moved to recommit the bill to the Committee on Finance,

Which was not agreed to.

The bill was ordered to be engrossed, and read a third time tomorrow.

Mr. Richmond, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was

referred Senate bill No. 161, entitled a bill requiring the Boards of County Commissioners in the several counties of the State of Indiana to examine the books, papers and vouchers, of any officer in their respective counties who may be charged with having received a greater amount of fees than he is legally entitled to receive, to determine the amount thereof, if any, and to cause suit to be brought for its recovery, and declaring an emergency," have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 161 was read a second time and passed to a third reading.

Mr. Vawter, from the select committee on Senate bill No. 214, made the following report :

MR. PRESIDENT :

The special committee to whom was referred Senate bill No. 214, a bill to define what officers shall be elected by each House of the General Assembly, and fixing their compensation, and repealing all laws inconsistent therewith, have had the same under consideration, and beg leave to make the following report :

The committee believe that the present system is liable to abuse, and is too expensive. At the regular session the services provided for in this bill, cost the State about the sum of twenty-eight thousand dollars. Under the provisions of this bill, it would cost the State seven thousand seven hundred dollars. While the expenses of the present session will be much smaller than ordinary, and without any design to reflect upon the present officers, it may not be improper to say that the clerical labor of the Senate, each day, costs the State of Indiana the sum of sixty dollars, making the sum of twenty-four hundred dollars, to which may be added the sum of one hundred and fifty dollars, the usual allowance for indexing, making the clerical work of this session cost the State the sum of twenty-five hundred and fifty dollars. This is upon the theory that we pay five dollars per day, and under the provisions of this bill, it will cost the State sixteen hundred dollars for the same service. Although our present officers faithfully discharge their duties, yet we believe if they were left entirely free in the selection of their assistants, and the amount

of their fees per diem, depending, to some extent, upon their own exertions, that the work would be as well done and more cheaply to the State.

For these reasons, the committee would respectfully recommend, unanimously, that the bill be amended by striking out, after the enacting clause, and inserting the accompanying amendment, and when so amended, they recommend the passage of the bill.

Strike out, after the enacting clause, and insert the following:

Section 1. That there shall be elected by the Senate, at the commencement of each session, a Secretary and one Doorkeeper; that for every session of sixty days the Secretary shall be allowed the sum of two thousand dollars; that for every session of sixty days, the Doorkeeper shall be allowed the sum of twelve hundred dollars; that for every session of forty days, the Secretary shall be allowed the sum of sixteen hundred dollars; that for every session of forty days, the Doorkeeper of the Senate shall be allowed one thousand dollars; that the amount herein allowed to the Secretary of the Senate shall include the reading, registering, filing, engrossing and enrolling bills, the making and indexing of the journals, in fine, all services usually required of the Principal and Assistant Secretaries of the Senate, and that no other or further allowance shall be made to said Secretary; that the amounts herein allowed to the Doorkeeper of the Senate, shall include the keeping of the Senate chamber warm and in good order, folding documents, carrying mails, and all such other duties as are usually required of the Doorkeeper and pages of the Senate, and that no other or further allowance shall be made to said Doorkeeper.

Sec. 2. That there shall be elected by the House of Representatives, at the commencement of each session, a Clerk and one Doorkeeper; that for every session of sixty days, there shall be allowed to the Clerk the sum of three thousand dollars; that for every session of forty days there shall be allowed to the Clerk the sum of twenty-four hundred dollars; that the amount herein allowed to the Principal Clerk of the House shall include the reading, registering, filing, engrossing and enrolling bills, the making and indexing the journal, in fine, all services usually required of the Principal and Assistant Clerks of the House of Representatives, and that no other or further allowance shall be made to said Clerk; that for every session of sixty days, the Doorkeeper of the House of Representatives shall be

allowed the sum of fifteen hundred dollars; that for every session of forty days, the Doorkeeper of the House of Representatives shall be allowed the sum of twelve hundred dollars; that the amount herein allowed to the Doorkeeper of the House of Representatives shall include the keeping of the House chamber warm and in good order, folding documents, carrying mails, and all such other duties as are usually required of Doorkeepers and pages of the House of Representatives, and that no other or further allowance shall be made to said Doorkeeper.

Sec. 3. All laws, or parts of laws, contravening the provisions of this act are hereby repealed.

Senate bill No. 214 was read a second time and passed to a third reading.

Mr. Williams, from the Committee on Finance, made the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 84, entitled a bill to legalize the action of the Boards of County Commissioners of Vermillion county, and of the District and State Boards of Equalization in adopting the appraisement of real estate of 1859 as the basis for the assessment of taxes for the year 1864, and each year thereafter till a new appraisement shall be made, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which was concurred in.

House bill No. 84 was read a second time and passed to a third reading.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 203, entitled "an act to authorize suits to be brought and executions to issue, by and against firms or partnerships, in the firms or partnerships named," have had the same under consideration, and are of the opinion that the legislation therein proposed is inexpedient; they therefore recommend that it be laid on the table.

Which report was concurred in.

Mr. Cobb, from the Committee on the Organization of Courts, made the following report.

MR. PRESIDENT :

The Committee on the organization of Courts to whom was referred Senate bill No. 226, entitled a bill to amend certain sections, therein enumerated, of an act entitled an act regulating fees of officers," approved March 2d, 1865, have had the same under consideration and have instructed me to report the same back, with the following amendment, to-wit :

Strike out the first paragraph in section 2, and insert in lieu thereof the following :

" Docket fee in the Circuit Court, or Court of Common Pleas, in case of felony, on a plea of guilty, \$5.

" Docket fee in the Circuit Court, or Court of Common Pleas, in case of felony, on a plea of not guilty, in case the defendant is convicted, \$10.

" Docket fee in the Circuit Court, or Court of Common Pleas, in misdemeanor, on a plea of guilty, \$2 50.

" Docket fee in the Circuit Court, or in the Court of Common Pleas, in misdemeanor, on plea of not guilty, in case the defendant is convicted, \$5."

Amend further, by striking out all of the fifth paragraph of said section.

Amend the third paragraph of the sixth section of the bill, by striking out the figures "75" where they occur, and insert in lieu thereof, the figures "50."

Amend the first paragraph of the seventh section, by striking out the figures "1.50," where they occur, and inserting the figures "1.25" in lieu thereof,"

Amend the first paragraph of the eighth section by striking out 75," where it occurs, and insert "50."

Strike out all of the second paragraph of said eighth section.

Strike out all of the ninth section of the bill, and when so amended, the Committee recommend its passage.

The question being on concurring in the amendment reported by the Committee, striking out five cents mileage for a writ before a Justice of the Peace,

The amendment was not concurred in.

Mr. Fuller moved to reconsider the vote just taken.

Messrs. Cullen and Cobb demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Brown of Wells, Cason, Cobb, Cullen, Davis, Fuller, Hanna, Hyatt, Marshall, Milliken, Niles, Oyler, Richmond, Williams and Wright—16.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Chapman, Douglas, Dykes, English, Finch, Gaff, Gifford, Jinkens, McClurg, Mason, Moore, Newlin, Noyes, Reagan, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Mr. President—28.

So the motion to reconsider was lost.

The question being on the amendment to strike out all relating to mileage for jurors before Justices of the Peace,

Messrs. Cobb and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Brown of Wells, Cason, Cobb, Cullen, Davis, English, Hanna, Marshall, McClurg, Mason, Milliken, Niles, Oyler, Richmond, Terry, Williams and Wright—19.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bowman, Bradley, Chapman, Corbin, Douglas, Dykes, Finch, Fuller, Gaff, Gifford, Hyatt, Jinkens, Moore, Newlin, Noyes, Reagan, Staggs, Thompson, Van Buskirk, Vawter, Ward, Woods and Mr. President—26.

So the amendment was not concurred in.

The question being on striking out the ninth section,
It was not concurred in.

Mr. Brown of Wells, moved to postpone the further consideration of the bill until December 23d.

Mr. Bennett moved to lay the motion on the table.

Messrs. Brown of Wells, and Bennett, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bowman, Bradley, Cason, Chapman, Corbin, Davis, Douglas, Dykes, English, Finch, Gifford, Hyatt, McClurg, Mason, Milliken, Newlin, Noyes, Oyler, Reagan, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Cobb, Cullen, Fuller, Gaff, Hanna, Jinkens, Marshall, Moore, Niles, Richmond, Staggs, Vawter and Williams—15.

So the motion was laid on the table.

The question being on the passage of the bill,

Mr. Oyler demanded the previous question,
Which was seconded.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Cason, Chapman, Corbin, Cullen, Davis, Douglas, Dykes, Gaff, Gifford, Hyatt, McClurg, Mason, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Cobb, English, Finch, Fuller, Hanna, Jinkens, Marshall, Milliken, Moore, Vawter and Williams—13.

So the bill passed.

The question being, shall the title, as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Staggs,

The Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
November 30, 1865.

The Senate met.

The Secretary proceeded to read the journal, when,

On motion of Mr. Allison,

The further reading was dispensed with.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

Mr. Allison offered two petitions praying that the General Assembly, now in session, do not pass any of the bills on the subject of temperance, now before them, but that they so amend the present license law, as to hold minors responsible for their conduct in imposing upon a licensed liquor dealer, by punishing them in equal sums with the liquor dealer from whom they obtain the liquor,

Which were referred to the Committee on Temperance.

Mr. Beeson presented two petitions on the subject of temperance,

Which were referred to the Committee on Temperance.

Mr. Hood offered a petition praying for the repeal of "an act for

the relief of the families of soldiers, seamen, marines " &c., approved March 4th, 1865,

Which was referred to the select committee on that subject.

Mr. Ward from the Committee on Corporations made the following report :

MR. PRESIDENT :

The Committee on Corporations to whom was referred House bill No. 63, "an act relating to corporations for mechanical, manufacturing, mining and quarrying purposes," have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage,

Which report was concurred in.

House bill No. 63, was read a second time and passed to a third reading.

Mr. Allison, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 119, entitled "a bill to establish and create a State Normal School, and matters connected therewith," have had the same under consideration, and recommend that the following changes be made :

First, That in section two, line two, the word "four," be substituted for the word "five."

Second, That in section four, line one, the term "January 1866" be substituted for "April."

Third, That section three be changed to read as follows, to-wit : "Two members of this Board shall retire as may be determined by lot, or otherwise, two years after their appointment, and the remaining two in four years, whereupon the General Assembly shall appoint their successors for a period of four years. All vacancies occurring in said Board from death, or resignation, shall be filled by appointments made by the Governor.

Fourth, That section six be changed to read as follows, to-wit :

Said Board shall locate said school at such place as the citizens thereof shall obligate themselves for the largest donation: *Provided, First*, That said donation shall not be less, in cash value, than forty thousand dollars: *Second*, That such place shall possess reasonable facilities for the success of said school.

Fifth, That in section eight, line five, the term "five thousand dollars" be substituted for the term "one thousand dollars."

Sixth, That in section ten, line two, the words, "and may, for sufficient reasons, dismiss the same," be expunged.

Seventh, That in section eleven, line three, the words, "residence in Indiana," be expunged.

Eighth, That section twelve be changed to read as follows, to-wit: "Tuition in the Normal School shall be free to all residents of Indiana, who fulfill the four conditions set forth in section eleven of this act, and such other conditions as the Board may require."

Ninth, That in section 14, line five be changed to read as follows, to-wit: "these schools to the Governor on or before the first Monday in January."

SEC. 18. *Whereas*, An emergency exists for the immediate taking effect of this act, it is hereby declared that it shall take effect and be in force from and after its passage.

Mr. Cullen moved to reconsider the vote by which "\$50,000" was stricken out and "\$40,000" inserted.

Which was agreed to.

The question being on concurring in the amendment of the Committee,

It was not concurred in.

The question being on concurring in the amendment of the Committee on section 8,

Messrs. Allison and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Cason, Chap-

man, Culver, Davis, Dykes, McClurg, Niles, Noyes, Reagan, Richmond, Terry, Van Buskirk, Vawter, Ward and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Oyler, Staggs, Thompson, Williams and Wright—26.

So the amendment was not concurred in.

Mr. Cullen moved to strike out “\$1,000’ from section 8.

Messrs. Van Buskirk and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Culver, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Oyler, Staggs, Thompson, Williams and Wright—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Cason, Chapman, Davis, Douglas, Dykes, McClurg, Milliken, Newlin, Niles, Noyes, Reagan, Terry, Van Buskirk, Vawter, Ward and Mr. President—30.

So the motion was adopted.

A message was received from the House, by their Clerk, Mr. Nixon :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives, to inform the Senate that he has signed the following enrolled acts, to-wit:

Enrolled act No. 12, an act to amend the first section of an act entitled “an act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people,” approved March 3, 1859.

Enrolled act No. 27, an act to legalize the acknowledgements of

all deeds, mortgages and other instruments, required to be recorded, taken and certified, by Notaries Public who took and certified such acknowledgements after the expiration of their Commissions.

Enrolled act No. 43, an act to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of Judges thereof," approved June 11, 1852.

And the President of the Senate is respectfully requested to sign said enrolled acts.

Mr. Niles offered the following :

Amend section 2 by striking out the words, "the General Assembly shall appoint," and insert in lieu thereof, the words, "the Governor shall appoint, with the approval of the Senate."

Amend section 3 by striking out the words, "the General Assembly shall appoint," and inserting in lieu thereof, the words, "the Governor, with the approval of the Senate, shall appoint," as aforesaid.

Which were adopted.

House bill No. 119 was read a second time and passed to a third reading.

Mr. Allison moved to amend the title of the bill by adding the words, "and declaring an emergency."

The report, as amended, was concurred in.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 254, entitled an act to amend section 2 of "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing, the public moneys of the State, and for the safe keeping of public moneys," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 254 was read a second time and passed to a third reading.

Mr. Noyes, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred Senate No. 228, entitled an act to amend an act entitled "an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 228 was read a second time and passed to a third reading.

Mr. Beeson, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred engrossed House bill No. 187, "an act authorizing and requiring the Commissioners of the State Debt Sinking Fund to make settlement with the Sinking Fund Commissioners for \$422,000, war loan bonds, purchased by the Sinking Fund Commissioners with moneys belonging to the Common School Fund; also, the sum of \$165,000, moneys belonging to the Common School Fund, advanced by the Sinking Fund to pay interest on the State debt; also, the sum of \$33,536 09, Saline Fund, and \$22,947, Bank Tax Fund, directing the transfer to the Common School Fund of the State of Indiana so much of the two and a half and five per cent. certificates of the stocks of the State as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act, authorizing and directing the proper officers of State to issue a bond of the State for the amount thereof—bearing six per cent. interest, payable semi-annually, and principal payable at the pleasure of the State—directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking

effect of this act," have had the same under consideration, and direct me to report said bill back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

House bill No. 187 was read a second time, and passed to a third reading.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 47, increasing the powers of the Board of Sinking Fund Commissioners, and authorizing said Board to invest any moneys belonging to said fund, in Indiana State Bonds or Stocks, and providing for the cancelling of such bonds or stocks, and the reissuing of non-negotiable bonds or stocks, payable to the School Fund, have had the same under consideration, have directed me to report the same back with the following amendments, and after being so amended, as follows, recommend its passage :

Strike out all after the word "discretion" in the fifth line of the first section, including the word "discretion" in the tenth line of the same section.

Insert, after the word "stocks," in the eleventh line of the same section, the following : "subject to the approval of Lieut Governor Conrad Baker, now acting Governor of the State, as to the price of bonds and stocks so purchased."

Strike out all after the word "fund," in the twelfth line of the same section, including the word "individual," in the 15th line.

Strike out all of the second section, and insert the following :

"SEC. 2. On or before the fourth Monday of April, one thousand eight hundred and sixty-six, and on or before the fourth Monday of April in each year thereafter, until all the assets of the Sinking Fund shall have been invested in the bonds, and certificates of stocks of the State, it shall be the duty of the Board of Sinking Fund Commissioners, to make out a correct list of the bonds and stocks held by them, and deliver the same, with said bonds and stocks, to the Auditor of State, who shall give his receipt for the same, setting

forth the amount of each particular kind of bonds and stocks, and upon receipt of the same, he shall enter them in a register prepared for that purpose, the amount, number, and rate of interest paid by the State on the same, and when so entered, it shall be the duty of the Auditor of State, in the presence of the Treasurer and Secretary of State, to burn the same, and they shall enter upon said register an account of the same, signed by the Auditor, Treasurer and Secretary of State, and the proper officers now authorized by law to issue bonds, shall issue to the Common School Fund, a new non-negotiable bond, payable at the pleasure of the State, for an amount equal to the aggregate of all the bonds and certificates so surrendered, which bond shall bear interest at the rate of six per cent. per annum, payable semi-annually, on the fourth Monday of April and fifteenth day of October in each year thereafter, which bond shall be registered in a book, kept by the Auditor for that purpose, setting forth the date and amount of the same.

Amend the title as follows :

Strike out after the word "Board," in the fourth line, all, including the word "and," in the fifth line. Strike out the word "said," in the eleventh line, and insert the words, "the Common School."

The question being on the consideration of House bill No. 47,

Mr. Cullen moved to make the bill the special order for two o'clock,

Which was agreed to.

On motion of Mr. Oyler,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

The hour having arrived for the consideration of the special order,

Mr. Niles offered the following amendment to the first amendment, suggested by the committee.

Amend by inserting in lieu of the words from line 5 to line 11 of section 1, proposed by the Committee to be stricken out, the following words, to-wit :

“And in case said bonds and obligations, of the State cannot, at any time, be purchased at a rate deemed reasonable, said Commissioners are hereby authorized to invest said funds in the bonds or other public securities of the United States, at not exceeding their market value; and whenever thereafter said bonds of the State can be purchased at such reasonable rates, said Commissioners may sell said securities of the United States, or any part thereof, for cash, and shall immediately reinvest the proceeds in such bonds of the State as aforesaid.”

The question being on the adoption of Mr. Niles' amendment,
Pending which,

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the Senate to-wit :

Enrolled act No. 4. An act to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein.

Enrolled act No. 25. An act defining certain misdemeanors, and prescribing punishment therefor.

Enrolled act No. 82. An act to authorize cities to prepare, execute, negotiate, and sell bonds, to provide means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings; and to authorize the levy and collection of an additional special tax, to provide means for the payment of the interest and principal of such bonds, and declaring an emergency.

Enrolled act No. 84. An act to amend section 2 of an act entitled “an act prescribing the powers and duties of Justices of the Peace in State prosecutions,” approved May 29, 1852, so as to authorize the service of a warrant throughout the State.

Enrolled act No. 115. An act to amend section 11 of an act entitled "an act concerning county prisons," approved May 27, 1852.

The question recurring on the adoption of Mr. Niles' amendment, Messrs. Thompson and Dunning demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Gaff, McClurg, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—19.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Newlin, Oyler, Richmond, Staggs, Vawter and Mr. President—27.

So the amendment was not adopted.

The question recurring on concurrence in the first amendment, suggested by the Committee,

Mr. Cullen moved to lay the amendment on the table.

Messrs. Cullen, and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Cobb, Corbin, Cullen, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs and Mr. President—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, English, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—20. [Mr. Williams was excused from voting.]

So the amendment was laid on the table.

Mr. Williams moved to recommit the bill to the Committee on Finance.

Mr. Cullen moved to lay the motion on the table.

Messrs. Vawter and Bonham demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Brown of Wells, Cobb, Corbin, Cullen, Douglas, English, Finch, Gaff, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Milliken, Newlin, Oyler, Richmond, Staggs and Mr. President—23.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Fuller, McClurg, Moore, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—23

So the motion to lay on the table was not agreed to.

The question being on the motion to recommit,
Mr. Hanna demanded the previous question.

The previous question was not seconded.

The motion to recommit was then agreed to.

On motion by Mr. Vawter,
The Senate adjourned.

FRIDAY MORNING, 9 O'CLOCK, }
December 1, 1865.

The Senate met.

The Assistant Secretary proceeded to read the journal, when,

On motion of Mr. Gifford,

The further reading was dispensed with.

The President laid before the Senate the following communication :

SENATE CHAMBER, Dec. 1, 1865.

TO HON. PARIS C. DUNNING,

President of the Senate :

MY DEAR SIR:—After the statement made by request of the State Printer, on a matter touching my veracity whilst in the discharge of my duty at this desk, I desire to submit the following :

The statement I requested you to make yesterday morning on my behalf, relative to the special messages of the Governor, which were ordered by the Senate to be printed, and which were sent by me to the State Printer, on or about the 15th day of November, 1865, I desire in this manner to reiterate :

I find said messages on the desks of the Senators, and am informed by the Doorkeeper that they were placed thereon by him on Friday, or Saturday last. I was not cognizant of this fact until yesterday afternoon. I directed the Printer to return the messages to me when printed. Instead of so doing, they have been brought into the Senate and distributed without my knowledge. Why the Doorkeeper did not so inform me, I do not know; he thought, probably, that it was not necessary.

Indeed, I had no right to know that the messages were in the Senate, according to the strict terms of the directions to the Printer. Had I thus known the fact, I would certainly have taken advantage of their presence, and so informed the Committee on said Messages; for on yesterday, only, Senator Cobb urged me to “hurry them up” from the Printer. Had I known that these messages had been sent down to this chamber, I certainly would not so often have sent to the Printer for them, nor desired the announcement, made yesterday morning, that I had not received them, which was, and is, strictly and wholly true.

Respectfully,

O. M. WILSON,

Prin. Sec. of Senate.

Mr. Vawter moved to spread the communication upon the record, Which was unanimously agreed to.

The President laid before the Senate the following communication :

INDIANAPOLIS, Dec. 1, 1865.

To the Honorable, the President and

Members of the Indiana Senate :

GENTLEMEN :—The Indianapolis Hebrew Congregation, through their Committee on Building, take the pleasure of extending to you an invitation to be present at the ceremonies of laying the corner stone of the new Temple, to be erected by said Congregation, on Thursday, December 7th, 1865, (thanksgiving day), at 2 o'clock P. M., and express the hope that you will honor them with your presence.

Place of meeting, Tabernacle, in Court House square, at 1 o'clock P. M.

I have the honor to remain

Your obedient servant,

J. WEEBSTER,

Sec. Building Com.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Noyes offered the following communication from the State Librarian :

OFFICE OF STATE LIBRARIAN, }
INDIANAPOLIS, Nov. 30, 1865. }

To the President and Members of the Senate :

GENTLEMEN :—At the solicitation of Maj. General Alvin P. Hovey, I would call attention to the fact that he has now in his possession the only complete set of the Laws and Acts of Indiana, extending back to the date of its Territorial organization. You are aware, doubtless, that we have in the Library but a broken set of our Indiana Laws, many volumes of which have been missing for years. Should you deem it of sufficient importance that the same should be purchased for the benefit of the State, it might be well to appoint a committee to make inquiries as to the terms upon which they can be had, and also to examine the condition of the books, etc. They are now to be seen at Mrs. Caleb B. Smith's residence.

Mr. Cullen moved to refer the communication from the State Librarian, to the Committee on that subject,
Which was agreed to.

Mr. Beeson introduced the following petition, praying for the repeal of the so-called "Black Laws" in our Statutes; also, to propose such amendments to our State Constitution, as shall annul the clauses in that instrument upon which these laws are based.

Which was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

Mr. Milliken, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. PRESIDENT:

The Committee on Rights and Privileges, to whom was referred Senate bill No. 219, a bill defining who shall be competent witnesses to testify in any court or judicial proceedings in this State, and to repeal all laws or parts of laws in conflict with the provisions of this act, have had the same under consideration, and have so amended it as to read "or blood" after the word "color," and when so amended, recommend its passage.

The question being on concurring in the amendments proposed by the Committee,

Mr. Brown of Wells, moved to make the bill and amendments the special order for Tuesday next at 2 o'clock P. M.

Which was agreed to.

Mr. Van Buskirk, from the Committee on Education, offered the following report:

MR. PRESIDENT:

The Committee on Education, to whom was referred Senate bill No. 255, a bill to amend the 2d section of an act entitled an act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved February 28, 1855; approved March 5, 1859, have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 255 was read a second time and passed to a third reading.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 47, a bill to increase the powers of the Board of Sinking Fund Commissioners, and authorizing said Board to invest any moneys belonging to said Fund in Indiana State bonds or stocks, and providing for the cancelling of such bonds or stocks and the re-issuing of non-negotiable bonds or stocks, payable to the School Fund, have had the same under consideration, and have instructed me to report the same back, with amendments, and after being so amended, recommend its passage.

Which report was concurred in.

The question being on concurring in the report of the Committee, with the amendments proposed,

Mr. Brown of Wells, moved to lay the amendments on the table.

Messrs. Brown of Wells, and Beeson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Brown of Wells, Cobb, Corbin, Cullen, Douglas, Finch, Fuller, Gaff, Gifford, Hanna, Jinkens, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs and Mr. President—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Hyatt, Marshall, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—22.

So the amendment lies on the table.

The question recurring on the second amendment proposed by the Committee,

Mr. Cullen moved to lay the amendment on the table.

Messrs. Bradley and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Cobb, Corbin, Cullen, Culver, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs and Mr. President—27.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—22.

So the second amendment was laid on the table.

The question being on concurring in the third amendment of the Committee.

Mr. Brown of Hamilton, moved to lay the amendment upon the table.

Messrs. Brown of Hamilton, and Cason, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Cobb, Corbin, Cullen, Culver, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs, Williams and Mr. President—28.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—20.

So the third amendment of the committee was laid on the table.

The question being on concurring in the fourth amendment proposed by the committee,

Mr. Brown of Wells, moved to lay the amendment on the table.

Messrs. Brown of Wells, and Noyes, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Cobb, Corbin, Cullen, Culver, Douglas, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs and Mr. President—27.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—21.

Mr. Cobb moved the previous question, which was not seconded by the Senate.

Mr. Bradley offered the following amendment :

Amend so as to strike out all that portion of the bill which confers authority upon the Sinking Fund Commissioners, to loan said Sinking Fund.

The question being on the adoption of the amendment proposed by Mr. Bradley.

Mr. Van Buskirk moved to refer the bill and amendment to the Committee on the Judiciary.

Mr. Oyler moved to lay the motion on the table.

Mr. Cason moved a call of the Senate,
Which was agreed to.

The Secretary proceeded to call the roll, when the following Senators answered to their names :

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Fuller, Gaff, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond,

Staggs, Terry, Thompson, Van Buskirk, Ward, Williams, Woods, Wright and Mr. President—46.

On motion,

The further call of the Senate was dispensed with.

The question being on Mr. Oyler's motion, to lay the motion of Mr. Van Buskirk on the table,

Messrs. Van Buskirk and Beeson, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Brown of Wells, Cobb, Corbin, Cullen, Douglas, English, Finch, Gaff, Gifford, Hanna, Hord, Jinkens, Mason, Newlin, Oyler, Richmond, Staggs and Mr. President—21

Those who voted in the negative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Fuller, Hyatt, Marshall, McClurg, Milliken, Moore, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—27.

So the motion to lay on the table was not agreed to.

The following Message was received from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed to inform the Senate, that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is respectfully requested :

Engrossed House bill, No. 177. A bill to amend section 143 of an act amendatory of "an act to provide for the publication of delinquent taxes," approved May 31, 1861.

Engrossed House bill No. 33. A bill to amend the eighth section of an act entitled "an act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof, approved March 5, 1859.

Also, House Joint Resolution No. 7. A Joint Resolution proposing an amendment to the Constitution of Indiana, by striking out the thirteenth article thereof.

The question recurring on the motion to refer to the Judiciary Committee,

Messrs. Bonham and Corbin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Fuller, Hyatt, McClurg, Milliken, Moore, Niles, Noyes, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods and Wright—26.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bonham, Brown of Wells, Cobb, Cullen, Corbin, Douglas, English, Finch, Gaff, Gifford, Hanna, Hord, Jinkens, Marshall, Mason, Newlin, Oyler, Richmond, Staggs and Mr. President—22.

So the motion was agreed to.

Mr. Chapman asked and obtained leave of absence until Tuesday next.

Mr. Brown of Wells, asked and obtained leave of absence for Mr. Bonham.

Mr. Bradley asked and obtained leave of absence for Mr. Gaff.

Mr. Ward asked and obtained leave of absence for Mr. Dykes.

Mr. Gaff asked and obtained leave of absence for Mr. Finch until next week.

On motion by Mr. Cullen,

The Senate adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

The Senate met.

Mr. Oyler asked and obtained leave of absence for Mr. Terry until Wednesday next.

Mr. Cullen, from the Committee on Canals and Internal Improvements, made the following report:

MR. PRESIDENT:

The Committee on Canals and Internal Improvements, to whom was referred Senate bill No. 249, entitled "an act defining the powers of companies organized to construct canals for hydraulic purposes," introduced by Senator Dykes, have had the same under consideration, and direct me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 249 was read a second time and passed to a third reading.

Mr. Cobb, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 237, an act entitled "an act requiring all property heretofore sold by virtue of any order of court, or in pursuance of any process of law, to be sold without appraisement, and repealing all laws in conflict therewith," have had the same under consideration, and have instructed me to report the same back to the Senate and recommend that the same lie upon the table.

Which report was concurred in.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 223, entitled "a bill to authorize married women under the age of

twenty-one years to join with their husbands in the conveyance of his real estate, in certain cases, and repealing all laws or parts of laws inconsistent therewith," have had the same under consideration, and recommend that it be amended as follows :

Amend by striking out all the title which comes after the words, "in certain cases," and with such amendment, the Committee recommend the passage of the bill.

Which report was concurred in.

Senate bill No. 223 was read a second time and passed to a third reading.

RESOLUTIONS OF THE SENATE.

Mr. Brown of Wells, offered the following resolution :

Resolved, That the Auditor of State be and he is hereby requested to communicate to the Senate, at his earliest convenience, the current expenses of the State Government each year, commencing with the fiscal year 1851, and ending with the date of his report, specifying the particular account upon which such expenses were incurred and paid.

Which resolution was adopted.

Mr. Corbin introduced the following resolution :

Resolved, That the Auditor is hereby directed to draw his warrant on the Treasurer of State in favor of A. E. & W. H. Drapier, for Brevier Legislative Reports, furnished last session in compliance with resolutions then passed, to be paid out of the fund appropriated for Legislative expenses.

Which resolution was adopted.

SENATE BILLS ON FIRST READING.

Mr. Oyler introduced

Senate bill No. 268, entitled "an act to invest the Circuit Courts of this State with exclusive original jurisdiction in applications for divorces, and to prescribe the terms upon which divorces may be granted in cases where the causes of divorce relied on accrued elsewhere than in this State."

Was read a first time and passed to a second reading.

Mr. Allison introduced

Senate bill No. 269. An act entitled "an act to require county Auditors to make examinations of the records in their offices in relation to school funds, and to make report, and providing compensation therefor, and declaring an emergency."

Was read a first time and passed to a second reading.

Mr. Cason introduced

Senate bill No. 270, entitled an act to amend sections 8 and 10 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a first time and passed to a second reading.

Mr. Douglas introduced

Senate bill No. 271. An act to amend section 1 of "an act authorizing Justices of the Peace, Notaries Public, Judges of Courts, Mayors of towns and cities, and Clerks of Circuit and Common Pleas Courts, to administer oaths generally—and county Auditors, in certain cases—and to legalize such as may heretofore have been administered by any of said officers," approved March 19, 1861.

Was read a first time and passed to a second reading.

Mr. Dykes introduced

Senate bill No. 272. A bill to amend section 12 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, to repeal all laws inconsistent therewith, and providing penalties therein prescribed."

Was read a first time and passed to a second reading.

Mr. Wright introduced

Senate bill No. 273. An act to legalize the action of the State Board of Equalization at its session in 1864, and declaring the duty of the Auditor of State in relation thereto.

Was read a first time and passed to a second reading.

Mr. Hord introduced

Senate bill No. 274. An act concerning pleadings in matters of claims against the estates of decedents, and declaring when the same shall take effect.

Was read a first time and passed to a second reading.

Mr. Bennett, upon consent of the Senate, offered a petition praying for the repeal of the Black Laws.

Which was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Richmond introduced

Senate bill No. 275. A bill providing for extending the terms of Circuit Courts by adjournment, call special terms, and providing compensation to judges for holding such adjourned and special terms, and repealing all laws or parts of laws contravening with the provisions of this act.

Senate bill No. 275 was read a first time and passed to a second reading.

Mr. Hanna, from the Committee on Corporations, made the following report:

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 229, entitled "an act supplemental to an act approved March 5, 1859, authorizing the purchase of railroads, plank roads and turnpike roads, under mortgage sale," &c., have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Mr. Bonham introduced ^v

Senate bill No. 276, entitled an act to amend section 26 of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties, in civil cases.

Was read a first time and passed to a second reading.

Mr. Culver introduced

Senate bill No. 277, entitled "an act providing for the location of an Agricultural College in the county of Tippecanoe."

Senate bill No. 177 was read a first time, and passed to a second reading.

Mr. Brown of Wells, moved to take up

Senate bill No. 265, entitled "an act fixing the time of the term of the Wells Circuit Court, prescribing the duration thereof, providing for the return of process therein, repealing conflicting laws, and declaring when this act shall take effect."

Which was agreed to.

Senate bill No. 265 was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Culver, Douglas, Downey, Dykes, English, Gaff, Gifford, Haney, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President.—44.

None voting in the negative.

So the bill passed.

The question being, shall the title, as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill 1

entitled "an act to enable any child heretofore adopted, or which may be hereafter adopted, by any person under the laws of the State of the United States, to take and hold real estate in this State as if the child had been adopted under the laws and within the limits of Indiana," have had the same under consideration, and have reported me to report the same back and recommend its passage. Which report was concurred in.

Mr. Williams moved that the bill (433) be considered engrossed, and read a third time now.

Which was agreed to.

Senate bill No. 233 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Brown of Clinton, Brown of Wells, Cason, Cobb, Corbin Cullen, Douglas, Hay, Dykes, Gaff, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Wells, Wright and Mr. President—38.

Those who voted in the negative were,

Messrs. Culver and Oyler—2.

And the bill passed.

The question being, shall the title of the bill, as read, stand as the title of said bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. McClurg moved to take up

Engrossed Senate bill No. 227, entitled "an act for the relief of D. Armstrong, Treasurer of the county of Clinton, in the State of Indiana."

Which was agreed to.

Senate bill No. 227 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bowman, Bradley, Brown of Wells, Cason, Col. Corbin, Cullen, Culver, Downey, Dykes, English, Gaff, Hanna, Ho, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Oyl, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Fuller, Moore, Noyes, Reage, Terry, Williams and Woods—10.

Mr. Niles was excused from voting.

So the bill passed.

The question being, shall the title of the bill, as read, stand as the title of said bill?

It was so ordered.

Ordered, That the ^U Secretary inform the House thereof.

Mr. Cobb moved to take up Senate bill No. 213, entitled an act to amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1855,

Which was agreed to.

Mr. Corbin asked and obtained leave to make the following report from select committee :

MR. PRESIDENT :

A majority of the committee, to whom was referred Senate bill No. 250, entitled "an act to secure a just valuation of railroad property," have had the same under consideration, and have directed r

to report the same back to the Senate with the following amendments, and when so amended, recommend its passage :

Amend section 1 by inserting, in line 12, after the word "net," the words "and gross."

Amend section 4 by striking out line 4, and the words "so to do," in line 2.

Amend line 5 by making "appraiser" read "appraisers."

Amend line 6 by substituting the word "they" for "he," where it occurs.

Amend lines 7 and 8, by substituting the word "them" for the word "him," where it occurs, and "they are" for "he is," where it occurs.

Amend section 5 by inserting between lines 2 and 3, the following :
"Provided they have complied with the provisions of this act."

SEC. 8. In case any Railroad, or any part thereof, shall have been, or shall hereafter be leased, conveyed, or mortgaged to any other Railroad Company, and shall be in the possession of such other Company under such lease, conveyance or mortgage, it shall during the continuance of such possession, be assessed for taxation, as the property of the Company having such possession, in the same manner as if it were a part of the road of such lessee, grantee, or mortgagee, under its own charter; and such lessee, grantee, or mortgagee, shall, during the continuance of such possession, have all the rights, be subject to all the duties and liabilities in violation to the road, or part thereof, so held, which are erected by this act, and both its property and the road, or part thereof so held, with its fixtures, and the property used in operating the same, shall be liable to the payment of such taxes, in the same manner as Railroad property is, in other cases, made liable for taxes properly assessed against the same.

Mr. Vawter, from the same committee, made the following minority report:

MR. PRESIDENT :

The undersigned, a minority of the Committee on Railroad

Appraisement, begs leave to submit to the Senate the reasons which impel him to dissent from the action of a majority of that committee on Senate bill No. 250, an act to secure a just valuation of Railroad property within this State, for assessment and taxation for State, city and town purposes, to legalize the valuation and assessment and payment of taxes for such property heretofore made, and providing for an appeal to the State Board of Equalization.

Without intending to reflect upon any past Legislature, it is not inappropriate to say that the past history of Indiana has been a series of legislation in favor of Railroads. In the matter embraced in the bill under consideration—taxation—they have never paid their quota of taxes. No appraisement of Railroads that has ever been made, has been permitted to stand. By some hook or crook—some defect in the law or in its execution—Railroads have been enabled to dictate their own terms to County and State officers. This system of abuse has grown until the time has surely arrived when it should be stopped, or Indiana will soon be, like another sister State, at the mercy of these corporations. While no legislation should be directed against Railroads, as such, it strikes the undersigned that no legislation should favor Railroads, as such.

While Railroads assist in developing the resources of our State, it should not be forgotten that they are ordinarily built for profit, and the argument that we should favor them by legislation, exempting them from a portion of the common burden—taxation—would apply, with equal force, to every man who, in any way, by the building of machinery, the erection of buildings, the improvement of farms, increasing the advantages of education, building churches, &c. These all, more or less, develop the resources of the State; elevate and enlighten mankind.

The charter privileges given Railroads have always been considered a fair equivalent, in legislation, for the benefits conferred upon the community.

The argument that, because Railroads have been unfortunate and have not been paying institutions, they should be exempt from their share of the public burdens, possesses no more force in connection with Railroads, than with natural persons; in fact, hardly as much, for Railroads originally receive large subscriptions of stock from the people living along the line of the road, which prove valueless, and it hardly seems fair to tax these very people again, to aid Railroads in avoiding their share of the public burden.

Ordinarily Railroads fix their own tariffs of passengers and freight,

and there is nothing in the history of their tariffs to commend itself to either the approbation or the peculiar favor of our people. Certainly the want of respect shown to the local interest, and the crushing, in every practical way, the feelings and interest of the citizens of this State for the benefit of through business, would certainly authorize the people of Indiana to demand and require that they shall fully pay their share of the burdens.

With these premises, let us look at the proposed law. Experience has taught that under the present law, Railroads have dictated their own appraisement. To illustrate: the Madison and Indianapolis Railroad was appraised at \$7,500 per mile, yet by authority of section 86, page 96, 1 G. & H., strained to meet the wants and requirements of the occasion, that appraisement was reduced to \$4,000 per mile, making a difference in the taxable property in the State of Indiana, of \$301,000, or a reduction of almost one-half. In the cases of the Jeffersonville and New Albany, and Salem Railroads, a greater reduction was made.

This was done in 1859, and by force of influence, was continued in 1864, making, for six years, the anomaly in Indiana of one portion of the taxable property, as a class, being reduced in the aggregate over one-half, while that of the citizen, in the aggregate, was compelled to pay upon the appraisement made by the appraiser.

As the bill under consideration simply re-enacts the provisions of the law of 1858 and 1859, so far as the method of taxation, it is liable to the same objection, and should not, therefore, be re-enacted. Another objection to the bill is, that it provides an appeal upon behalf of Railroads, but nowhere confers any power on the part of the State Board of Equalization to raise said appraisement.

Another objection to the bill may be found in the fact that it makes no penalty upon the Railroad Company, if they shall fail or refuse to furnish the statement as required by the act, while it has been the uniform rule to punish the citizen who shall fail to furnish the statement required of him, by a penalty varying from 10 to 25 per cent., or even 50 per cent.

The undersigned, while loth to oppose what has been done in good faith, and would ordinarily favor all adjustments which have been made, yet when convinced that the reduction was made without authority of law, in its operation unequal and unjust, relieving some Railroads of at least one-half of their taxation as assessed by the proper officers, and leaving others to pay their full taxes as assessed, it becomes my duty to oppose any illegal and unauthorized adjustment.

It cannot be concealed that the provisions of the sixth section of this act are intended for the benefit of the New Albany and Salem Railroad; that its operation will be to dismiss a suit commenced by the State against that Railroad Company, and which in the Floyd Circuit Court was decided in favor of the State, and which is now pending in the Supreme Court.

Without stopping to discuss the propriety of legislating to prevent the vindication of violated laws, it may not be inappropriate to ask, are there any peculiar reasons which entitle that road to this anomalous legislation?

In 1852 a law was passed providing for Railroad assessment. Under that law the New Albany and Salem Railroad Company was assessed at \$4,600,000. Under that appraisement and law the New Albany and Salem Railroad made no effort to pay taxes.

In 1858 the Legislature passed a new law for Railroad appraisement; that law was amended in 1859, and under that law the New Albany and Salem Railroad was appraised at the sum of \$3,500 per mile. The New Albany & Salem Railroad disregarded that appraisement, and refused to pay any taxes, and under a forced construction of section 86, page 96, 1 G. & H., taking advantage of technical objections to the time and manner of appraisement, their appraisement was reduced from \$3,500 per mile, to \$750 per mile. This reduction was conceded, because without it, the Railroad refused to pay any taxes, and rather than lose all, part was taken. Whether we ought to legislate in favor of a corporation which dictates its own terms, is a question proper for consideration.

Then, although the law of 1859 was clearly prospective in its operation, by some hocus pocus of legal legerdemain, that appraisement, made under the section above referred to, was made to run back to, and become the appraisement from 1852 to 1859, inclusive. How a law, clearly prospective in its character, with not a single provision retroactive or retrospective in its character, could be made to supply the place of an appraisement made under another and former law, may be more easily imagined than accounted for upon sound legal principles, and I have yet to learn that any such construction was made in favor of any natural person.

Then, is a road that has virtually violated a law—that has failed, while that law remained in full force, to make any effort to compromise or pay the demands legally assessed against it—in a position, now, at this late period, to demand or receive the legislation contained in the sixth section of this act? The undersigned thinks not.

It is asserted that the "stock" of the road was assessed and that that was not legal, and therefore the assessment was void. If that were true it might be asked, what is the object of the sixth section of this act? It is a work of supererogation, and I doubt whether a company who has thus, for seven or eight years deliberately refused to comply with a law, and to assist in maintaining the government, is in a position, if the appraisement is legal, to ask any favor at our hands.

And as the question of its legality is now pending in the Supreme Court, if the decision should be in favor of the road, then will be accomplished all that the friends of the sixth section desire; but if the decision of the Court shall be against the road, then for the reasons indicated, the road is not entitled to consideration.

The undersigned thinks that the case of the Michigan Central Railroad Company, *vs.* Porter and others, 17 Ind. Rept. 380, sufficiently shows the legality of the assessment made.

The undersigned is informed by the Auditor of State, that the effect of the passage of this bill will be to deprive the State of Indiana of about \$1,000,000, to which she is legally and justly entitled.

It therefore becomes a grave question for us to determine whether the condition of the public finances, and the action of the Railroads already alluded to, would justify such legislation.

Another thing. The present committee, with the exception of the Senators Reagan and Niles, who have been added, reported a bill containing a provision providing for the collection of these very taxes. That amendment was concurred in by the Senate without dissent, and by mistake the bill was sent to the House, and passed there through mistake, and thus the bill was prevented from passing, but is now on the files of the Senate. I cannot, having taken this position at the last session, without additional light, change it now.

JAMES H. VAWTER.

Senate bill No. 250 was then read a second time.

Mr. Corbin moved to re-commit to the same committee,
Which was agreed to.

Mr. Niles, from the Committee on Benevolent Institutions, made the following report:

MR. PRESIDENT:

The Committee on Benevolent Institutions, to whom was referred

Senate bill No. 201, entitled "A bill to provide for the care and treatment of the incurable insane of the State of Indiana, and matters properly connected therewith, have had the same under consideration, and have directed me to report the same back, with the following amendment :

In line 6, before the word " Governor," insert the word " acting," and before the word " Treasurer," insert the word " the."

In line 14 of the same page, after the word " bid," add the words, " provided they deem such bid reasonable," and when so amended, they recommend its passage.

Senate bill No. 201, was read a third time.

The question being on the passage of the bill,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Wells, Cason, Cobb, Corbin, Cullen, Davis, Downey, Dykes, English, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President—40.

None voting in the negative.

Mr. Ward asked and obtained leave of absence for Mr. Reagan, for an indefinite time.

The following message was received from the House of Representatives, by Mr. Nixon, their Principal Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, to-wit :

Be it resolved by the House of Representatives, the Senate concurring, That our Senators in Congress are hereby instructed, and our Representatives requested, to secure such a modification of the act, approved April 19, 1816, appropriating the sixteenth section of

each Congressional township for school purposes, so that it may read as follows :

“ That section numbered sixteen (16) in every township, and where such section has been sold, granted, or disposed of, then other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of the State, for the use of schools.”

In which the concurrence of the Senate is respectfully requested.

Mr. Oyler moved to take from the table Senate bill No. 183 and refer the same to the Committee on the Judiciary.

Which was agreed to.

Mr. Oyler moved to take up Senate bills Nos. 266 and 267.

Which was agreed to.

Senate bills Nos. 266 and 267 were then read by title, and referred to the Committee on the Judiciary.

BILLS ON THIRD READING.

Engrossed Senate bill No. 66. An act to amend section 11 of an act entitled “ an act to fix the time of holding the Common Pleas Courts in the several counties of this State, creating a new district, providing for the election of a Judge therein, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith,” approved March 5, 1859.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President
—42.

Those who voted in the negative were,

Messrs. Mason and Noyes —2.

So the bill passed.

The question being, shall the title, as read, stand as the title of the bill?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Bonham moved to take up Senate bill No. 140.

Which was agreed to.

Mr. Brown of Wells, moved to refer to the Committee on the Judiciary.

Which was agreed to.

Mr. Corbin moved to take up House bill No. 158, and refer the same to the Committee on Railroads.

Which was agreed to.

Mr. Hord asked and obtained leave to introduce

Senate bill No. 278. An act to amend section 35 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors, Appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and providing when the same shall take effect.

Which was read a first time and passed to a second reading.

The President presented a petition upon the subject of bounties, which,

On motion,

Was referred to the Committee on Military Affairs.

Mr. Hanna moved that the Senate adjourn.

Which was agreed to.

SATURDAY MORNING, 9 o'clock, }
 December 2, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,

On motion by Mr. Gifford,

The further reading was dispensed with.

Mr. Bradley asked and obtained leave to introduce

Senate bill No. 279, entitled "a bill to abolish the Indiana State Agency in the city of New York, the Board of Sinking Fund Commissioners of this State, and all the offices connected therewith, and to invest the moneys belonging to said fund, the State Debt Sinking Fund and other funds, in the stocks and bonds of the State, and to transfer the business of said Board of Sinking Fund Commissioners to the offices of the Auditor and Treasurer of State; and also to provide for the adjustment of the debt of the State by issuing coupon bonds for the present five per cent. registered stocks of the State."

Which was read a first time and passed to a second reading.

Mr. Bradley moved that 300 copies of Senate bill No. 279 be printed.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Cullen, from the Committee on Elections, made the following majority report:

MR. PRESIDENT:

The Committee on Elections, to whom was referred Senate bill No. 89, entitled "an act to apportion Senators and Representatives for the next four years," and Senate bill No. 209, entitled "a bill apportioning Senators and Representatives," have had the same under consideration, and a majority of said Committee have directed me to report said bills back, with the recommendation that Senate bill No. 209 pass, and that Senate bill No. 89 lie upon the table.

Mr. Williams moved that the report, and bills Nos. 209 and 89, be made the special order of the day for Wednesday next at 2 o'clock p. m.

Which was agreed to.

Mr. Ward, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 62, entitled "a bill empowering incorporated cities and incorporated towns, to plant and maintain shade trees along the streets, alleys, public squares, and commons thereof, and to provide for the protection of the same at the expense of the adjoining property holders," have had the same under consideration, and have instructed me to report the following amendments, and recommend their adoption and when adopted, recommend the passage of the bill :

Amend first by striking out the word "therefore," where it occurs in the sixth line ; and by numbering the emergency clause as section two.

Which report was concurred in.

House bill No 62* was read a second time and passed to a third reading.

Mr. Bowman, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 234. An act supplemental to an act approved June 11, 1852, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties," have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Senate bill No. 234 was read a second time and passed to a third reading.

Mr. Milliken, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred Senate bill No. 204, entitled "a bill in relation to who is competent witnesses, and repealing all laws in conflict therewith," have instructed me to report the same back to the Senate, and recommend that it lie on the table, as there is a bill before the Senate now on the same subject.

Which report was concurred in.

Mr. Hyatt, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 252, entitled an act to amend the second section of "an act for the incorporation of manufacturing and mining companies for mechanical, chemical, and building purposes," approved May 20, 1852, by extending the provisions of said section to any companies heretofore incorporated for any of the purposes contemplated in said act, and legalizing all companies for such purposes, have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 252 was read a second time and passed to a third reading.

Mr. Wright, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was committed Senate bill No. 264, "an act authorizing County Commissioners to grant the right of swinging gates on county and private roads, and prescribing penalties," have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend that it lie on the table, for the reason that legislation on that subject is inexpedient.

Which report was concurred in.

Mr. Ward, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 256, entitled an act to amend the 40th clause of section 30 of an act entitled, "an act granting the citizens of the town of Evansville a city charter," approved January 27, 1847, have directed me to report the following amendments thereto:

Amend by striking from the title of the act all after the figures, "1847," in the fifth line of the first page, and by inserting after said figures the following words, to-wit: "And declaratory of the meaning of the second section of the same act."

Also, by striking from the twelfth line of the amendatory section, (page 2 of the manuscript), the words, "and with gas for lights."

Also, by striking from the thirteenth line, same page, the words, "and gas."

Also, by striking from the eighteenth line, same page, the words, "gas or."

Also, by striking from the twenty-fifth line, same page, the words, "gas works and."

Also, amend the number of the section on the last page of the manuscript, by striking out the figure "2," and inserting the figure "3."

Also, amend by inserting the section, numbered section 2, between the section of the bill, herewith submitted.

And when thus amended, the Committee recommend the passage of the bill.

Which report was concurred in.

Mr. Cobb, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill

No. 258, an act to amend section 96 of "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties, of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 258 was read a second time and passed to a third reading.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 148, an act to amend sections 76 and 88 of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, have had the same under consideration, and recommend it be amended as fellows:

Amend by striking out of the amendatory section 76, "from," and including the word "and" in line 6 of page 3, "to" and including the word "situate," in line 9 of the same page.

Also add to the end of the same section, the following words, viz:

Provided, That if the parties defendants are residents of this State, they shall be personally notified by service of summons, as in other cases, and with such amendments they recommend its passage.

Which report was concurred in.

Senate bill No. 148, was read a second time and passed to a third reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Thompson, from special committee, made the following report:

MR. PRESIDENT:

The special committee to whom was referred that part of the

Governor's message, in which he recommends the propriety making provision for exhibiting specimens of agricultural productions, manufactories, mechanical improvements and mineral wealth of Indiana, in the "Universal Exposition" at Paris, France, on the 1st of April, 1867, have had the same under consideration, and in consultation with the Agricultural Committee of the House, to whom the subject was referred in that branch of the Legislature, and after hearing the subject discussed by eminent and scientific gentlemen, have caused this bill to be drawn up and presented to the Senate, and recommend its immediate passage,

Which report was concurred in.

Senate bill No. 280. A bill to make suitable provisions for having the State of Indiana co-operate with other State authorities, and with the Commissioners of the General Government, at the "Universal Exposition," to be held at Paris, France, in the year 1867, in such manner as to represent, fully, the agricultural, manufacturing, mechanical, mineral, artistic and other resources and interests, and thereby to encourage immigration to the State of Indiana, was read a first time and passed to a second reading.

RESOLUTIONS.

Mr. Beeson introduced the following resolution :

MR. PRESIDENT :

WHEREAS, It was charged, by the minority report of the select committee on Senate bill No. 250, that the passage of said bill would lose to the revenues of the State, \$1,000,000 ; therefore, be it

Resolved, That the Auditor of State be required to inform the Senate what amount of the revenues, if any, would be jeopardized by the passage of Senate bill No. 250.

Which resolution was adopted.

SENATE BILLS ON FIRST READING.

Mr. Oyler introduced

Senate bill No. 281. An act to amend an act entitled "an act to fix the amount of the salary of the State Librarian, and repealing a former laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk," approved March 4, 1859.

Was read a first time and passed to a second reading.

SENATE BILLS ON SECOND READING.

Senate bill No. 213, entitled an act to amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, rescribe their powers and rights, and the manner in which they exercise the same, and to regulate such others matters as properly pertain thereto," approved March 9, 1857,

Was read a second time and passed to a third reading.

HOUSE BILLS ON FIRST READING.

Engrossed House bill No. 82. A bill concerning the creation of corporations for the purpose of maintaining high schools, within the State, and giving the requisite powers to such corporations,

Was read a first time and passed to a second reading.

House bill No. 149. A bill to enable the Board of Directors of any incorporated Turnpike Company, to change the time of holding the election of Directors,

Was read a first time and passed to a second reading.

Engrossed House bill No. 212. A bill to legalize the appraisement of the real estate, made under the provisions of an act entitled "an act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved Dec. 21, 1858,

Was read a first time and passed to a second reading.

House bill No. 210. A bill to fix the time of holding the Courts of Common Pleas in the county of Grant, and repealing all laws in conflict therewith,

Was read a first time and passed to a second reading.

Mr. Williams moved to take up messages from the House,
Which was agreed to.

The following was then read:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested:

WHEREAS, Under the present law regulating the Indiana State Prison, (South) the Directors thereof ask an appropriation from the State Treasury at each session of the Legislature to defray the expenses of said prison; and,

WHEREAS, In the opinion of this General Assembly, said institution can be so managed as to be self-sustaining, and bring a revenue into the State Treasury; and,

WHEREAS, The convicts in said prison have been leased for a term of years, expiring in 1867, at the remarkable low rates of 40 cents per day; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Hon. D. E. Williamson, Attorney General of this State be instructed to inquire into the validity of the said contracts and report to the General Assembly whether, in his opinion, the State can in any way be relieved from said contracts.

Mr. Bennett moved to refer the message to the Committee on State Prisons,

Which was agreed to.

Also the following:

Be it resolved by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed, and our Representatives be requested, to secure such a modification of the act, approved April 19, 1816, appropriating the sixteenth section of each Congressional township for school purposes, so that it may read as follows:

“That section numbered sixteen, (16) in every township, and when such section has been sold, granted or disposed of, then other lands equivalent thereto, and most contiguous to the same, shall be granted to the inhabitants of the States, for the use of schools.”

Message from the Governor, by his Private Secretary, Mr. Jacobs:

MR. PRESIDENT:

I am directed by the Governor to inform your honorable body that he has approved and signed the following enrolled bills of the Senate:

Senate bill No. 4, entitled "an act to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein."

Senate bill No. 25, entitled "an act defining certain misdemeanors, and prescribing punishment therefor."

Senate bill 82, entitled "an act to authorize cities to prepare, execute, negotiate, and sell bonds to provide means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings; and to authorize the levy and collection of an additional special tax to provide means for the payment of the interest and principal of such bonds, and declaring an emergency."

Senate bill No. 84, entitled "an act to amend section 2 of an act entitled 'an act prescribing the powers and duties of Justices of the Peace in State prosecutions,' approved May 20, 1839, so as to authorize the services of a warrant throughout the State."

Senate bill No. 115, entitled "an act to amend section 11 of an act entitled 'an act concerning county prisons,' approved May 27, 1852."

And that the same have been deposited in the office of the Secretary of State.

SENATE BILLS ON SECOND READING.

Senate bill No. 268 was read by title, and,

On motion by Mr. Corbin,

Referred to the Committee on the Judiciary.

Senate bill No. 269 was read by title, and,

On motion by Mr. Williams,

Referred to the Committee on County and Township Business.

Senate bill No. 270 was read by title, and,

On motion by Mr. Cason,

Referred to the Committee on Judiciary.

Senate bill No. 271 was read by title, and,

On motion by Mr. Allison,

Referred to the Committee on the Organization of Courts.

Senate bill No. 272 was read by title, and,

On motion by Mr. Williams,

Referred to the Committee on Education.

Senate bill No. 273 was read by title, and,

On motion by Mr. Wright,

Referred to the Committee on Finance.

Senate bill No. 274 was read by title, and,

On motion by Mr. Williams,

Referred to the Committee on the Judiciary.

Senate bill No. 275 was read by title, and,

On motion by Mr. Richmond,

Referred to the Committee on the Organization of Courts.

Senate bill No. 276 was read by title, and,

On motion by Mr. Allison,

Referred to the Committee on the Organization of Courts.

Senate bill No. 277 was read by title, and,

On motion by Mr. Allison,

Referred to the Special Committee on Agricultural College.

Senate bill No. 278 was read by title, and,

On motion by Mr. Cason,

Referred to the Committee on County and Township Business.

Joint Resolution No. 1. A Joint Resolution, proposing an amendment to the Constitution of Indiana, by striking out the 13th article thereof.

Was read a first time and passed to a second reading.

HOUSE BILLS ON FIRST READING.

House bill No. 33, entitled a bill to amend section 8 of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, and to repeal all former laws concerning the provisions of

this act, and prescribing penalties for the violation thereof," approved March 5, 1859.

Was read a first time and passed to a second reading.

Engrossed House bill No. 177. An act to amend section 143 of an act entitled "an act amendatory to an act to provide for the publication of delinquent taxes," approved May 30, 1861.

Was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

House bill No. 22 was read by title, and,

On motion by Mr. Wright,
Referred to the Committee on Education.

House bill No. 88 was read by title, and,

On motion by Mr. Allison,
Referred to the Committee on Corporations.

House bill No. 106. A bill authorizing the construction of warehouses for the inspection, storage, and sale of tobacco.

Was read a second time.

Mr. Gifford moved to refer to the Committee on Corporations.
Which was agreed to.

House bill No. 121 was read by title, and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 124 was read by title, and,

On motion,
Referred to the Committee on County and Township Business.

House bill No. 126 was read by title, and,

On motion,
Referred to the Committee on Canals and Internal Improvements.

House bill No. 135 was read by title, and,

On motion,
Referred to the Judiciary Committee.

House bill No. 147 was read by title, and,

On motion,
Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

House bill No. 186 was read by title, and,

On motion,

Referred to the Committee on Finance.

Mr. Oyler moved that when the Senate adjourn it be until Monday, at 2 o'clock P. M.

Which was agreed to.

Mr. Vawter asked and obtained leave to introduce

Senate bill No. 282. A bill providing for the employment of watchmen in any of the cities of this State, and providing for their payment.

Which was read a first time and passed to a second reading.

Mr. Vawter asked and obtained leave to introduce

Senate bill No. 283. A bill to authorize the Common Council of any town in this State to appoint a town attorney, and providing compensation therefor.

Which was read a first time and passed to a second reading.

Mr. Oyler asked and obtained leave of absence until Thursday next.

Mr. Corbin moved to take up Senate bill No. 15, (the Morgan raid bill), and make it a special order of the day for Friday next, at 2 o'clock P. M.

Which was agreed to.

On motion by Mr. Staggs,

The Senate adjourned.

MONDAY, 2 O'CLOCK, P. M. }
 December 4, 1865. }

The Senate met.

The Secretary proceeded to read the journal, when,

On motion by Mr. Allison,

The further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Bennett presented a petition praying for the repeal of the "Black Laws,"

Which was referred to the Committee on Rights and Privileges.

Mr. Mason offered the following resolution :

WHEREAS, The laws of this State are such that, upon the proper affidavit being filed by the party asking a change of venue, in all civil actions, the Judge is bound to grant the party so asking, a change of venue ; and,

WHEREAS, In criminal actions, although the proper affidavit be made by the defendant, it is entirely optional with the Judge trying the cause, whether he grants a change of venue or not ; therefore, be it

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of so amending our laws as to grant a change of venue to defendants in criminal cases, when they file a proper affidavit,

Which resolution was adopted.

Mr. Williamson offered the following resolution :

Resolved, That the Finance Committee be authorized to inquire into the propriety of reducing the appropriations for the year 1866,

Which resolution was adopted.

SENATE BILLS ON FIRST READING.

Mr. Niles introduced

Senate bill No. 284. "An act to prevent unauthorized printing at the expense of the State."

Senate bill No. 284 was read a first time.

Mr. Niles moved to suspend the rules and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Douglas, Downey, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Ward, Williams, Wright and Mr. President—34.

Mr. English only, voting in the negative.

So the rules were suspended.

Senate bill No. 284, was read by title, and,

On motion,

Referred to the Committee on public printing.

SENATE BILLS ON SECOND READING.

Senate bill No. 280 was read a second time by title.

Mr. Brown of Wells, moved to recommit Senate bill No. 280 to the select committee on that subject.

Mr. Cullen moved to lay the motion to recommit on the table,
Which was not agreed to.

The question being on the motion to recommit,
It was agreed to.

Senate bill No. 281 was read by title, and,

On motion of Mr. Williams,

Referred to the Committee on State Library.

Senate bill No. 282 was read by title, and,
 On motion of Mr. Allison,
 Referred to the Committee on Corporations."

Senate bill No. 283 was read by title, and,
 On motion,
 Referred to the Committee on Corporations.

Mr. Cobb asked and obtained leave to introduce

Senate bill No. 285. An act to create the ——— Judicial Circuit,
 and to fix the time of holding the Court therein.
 Which was read a first time and passed to a second reading.

Mr. Cobb asked and obtained leave to introduce

Senate bill No. 286. An act to amend the second section of an act
 entitled "an act prohibiting Supreme, Circuit or Common Pleas
 Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs
 and their Deputies, from practicing law in any of the Courts of this
 State, except as in the act permitted, and prescribing punishment for
 the violation thereof," approved March 6th, 1865, and to prescribe
 the duty of the several Courts of this State, in reference thereto.

Senate bill No. 286 was read a first time and passed to a second
 reading.

Mr. Gifford moved to take up House bills on second reading,
 Which was agreed to.

Joint Resolution No. 1. A Joint Resolution proposing an amendment
 to the Constitution of Indiana, by striking out the 13th article thereof.
 Was read a second time.

Mr. Cullen moved to make the resolution the special order for
 Friday morning next, at 9 o'clock.
 Which was agreed to.

House bill No. 33 was read by title, and,
 On motion of Mr. Bennett,
 Referred to the Committee on Temperance.

House bill No. 82 was read by title, and,
 On motion of Mr. Wright,
 Referred to the Committee on Education.

House bill No. 149 was read by title, and,
 On motion by Mr. Gifford,
 Referred to the Committee on Corporations.

House bill No. 177 was read by title, and,
 On motion by Mr. Mason,
 Referred to the Committee on Public Printing.

House bill No. 210, was read by title, and,
 On motion by Mr. Bennett,
 Referred to the Committee on the Organization of Courts.

Senate Joint Resolution No. 9 was read a second time, and,
 On motion,
 Laid on the table.

House bill No. 212, was read by title, and,
 On motion by Mr. Wright,
 Referred to the Committee on Finance."

Senate Joint Resolution No. 14 was read by title, and,
 On motion by Mr. Mason,
 Laid on the table.

Senate Joint Resolution No. 15 was read a second time, and passed
 to a third reading.

Senate Joint Resolution No. 19, was read by title, and,
 On motion,
 Laid on the table.

Senate Joint Resolution No. 20 was read by title, and,
 On motion by Mr. Van Buskirk,
 Referred to the Committee on Federal Relations.

Mr. Cobb asked and obtained leave to introduce

Senate bill No. 287. An act supplemental to an act entitled "an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Williams offered the following resolution :

Resolved, That the Governor be requested, if not inconsistent with the public good, to report what amount of seven thousand dollars for a Contingent Fund, five thousand for telegraphing, and twelve thousand for clerk hire, has been expended, and also whether the same amounts will be required for the year 1866.

Which resolution was adopted.

Mr. Corbin asked and obtained leave to introduce

Senate bill No. 288, entitled "a bill requiring the Clerks of the Circuit and Common Pleas Courts, to make indexes of their records, and providing a compensation therefor."

Which was read a first time and passed to a second reading.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 148. An act to amend sections 76 and 88 of an act entitled "an act providing for the settlement of decedent's estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement."

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Brown of Hamilton, Cason, Cobb, Corbin, Cullen, Culver, Douglas Downey, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Ward, Williams, Wright and Mr. President—33.

None voting in the negative.

So the bill did not pass, for the want of a constitutional majority.

Mr. Cobb moved a call of the Senate,

Which was agreed to.

Those who answered to their names were,

Messrs. Allison, Barker, Beeson, Bennett, Brown of Hamilton, Cason, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Ward, Williams, Wright and Mr. President—33.

On motion of Mr. Gifford,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock. }
December 5, 1865. }

The Senate met.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Reagan offered a petition, praying for the repeal of the so-called Black Laws in our statutes; also, to propose such amendments to our State Constitution as shall annul the clauses in that instrument upon which those laws are based.

Which, on motion by Mr. Reagan,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

The President appointed the following Senate Joint Committee on enrolled bills, viz:

Messrs. Richmond, Mason and Cullen.

REPORTS FROM STANDING COMMITTEES.

Mr. Beeson, from the Committee on Agriculture, made the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred Senate bill

No. 263, entitled "a bill to repeal an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others; and also repealing 'an act to license dogs,' approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled, 'an act for the protection of sheep,' approved June 15, 1852," approved March 2, 1865, have had the same under consideration, and direct me to report the same back to the Senate and recommend that it lie upon the table.

Mr. Moore moved to recommit the report and bill to a select committee of five.

Which was agreed to.

The President appointed the following select committee :

Messrs. Moore, Cobb, Hord, Wright and Beeson.

Mr. Hanna, from the Committee on Corporations, submitted the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 208, entitled, "an act to provide for the construction of sewers within incorporated towns, defining the powers and duties of the Board of Town Trustees in relation thereto, and to repeal all laws in conflict therewith," have had the same under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 208 was read a second time and passed to a third reading.

Mr. Hord, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

Senate bill No. 62, entitled "an act supplemental to an act entitled 'an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them,' approved March 5, 1859, authorizing compa-

nies by partners, and joint debtors," was originally referred to the Committee on the Judiciary for its consideration, and said Committee reported thereto, recommending that the same be referred to the Committee on Corporations, with instructions that it strike out section 5 thereof; and the said Committee, having faithfully performed said instructions by effectually scratching and blotting out said section, reported said bill back to the Senate, with the recommendation that the same be referred back to the Judiciary Committee, with instructions that it erase other portions of said bill, more particularly recited in said report; and the Judiciary Committee, having attempted to perform said instructions, and believing, in its legal opinion, that the Committee on Corporations is more eminently skilled in obliterating unnecessary and obnoxious matter in legislation of the State, from the exhibition of its science in the complete annihilation of said 5th section, have instructed me to report the same back to the Senate, and recommend that it be referred to the Committee on Corporations, with instructions to ascertain and report whether or not the scratching has been well done, and according to order.

Which report was concurred in.

Mr. Allison, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 272, an act to amend the 12th section of an act entitled, "an act to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties, therein prescribed," have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 272 was read a second time.

Mr. Moore moved to lay the bill upon the table.

The ayes and noes were demanded by Messrs. Cullen and Moore.

Those who voted in the affirmative were,

Messrs. Fuller, Jinkens, Marshall, Moore and Staggs—5.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Gifford, Hanna, Hord, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—34.

So the bill did not lie upon the table.

Mr. Cobb, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 261, a bill to amend the 2d and 5th sections of an act entitled, "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 261 was read a second time and passed to a third reading.

Mr. Niles, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 268, entitled "an act to invest the Circuit Courts of this State with exclusive original jurisdiction in applications for divorces, and to prescribe the terms upon which divorces may be granted in cases where the causes of divorce are accrued elsewhere than in the State," have had the same under consideration, and recommend that the same be amended as follows :

At the end of line ten of section 2, after the word "State," add the words : " And the plaintiff was not a resident of this State at the time when such cause or causes of divorce accrued.

Also, in the eleventh line of same section, strike out the words, "in any case."

Also, in lines twenty-five and twenty-seven of same section, strike out the words: "And was not during all that time absent, and temporarily from the State."

And when so amended, the Committee recommend that the bill be passed.

Which report was concurred in.

Senate bill No. 268 was read a second time and passed to a third reading.

Mr. Downey, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred House bill No. 135, entitled an act to amend section 651 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," passed June 18, 1852, have had the same under consideration, according to order, and a majority of the committee have instructed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

House bill No. 135 was read a second time, and passed to a third reading.

Mr. Bennett, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred House bill No. 121, a bill to cure defective acknowledgments of deeds, in certain cases, have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in,

House bill No. 121 was read a second time, and passed to a third reading.

Mr. Cason, from the Committee on the Judiciary, submitted the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred that portion of the Governor's message, in relation to official bonds, have had the same under consideration, and have directed me to report the following bill, and recommend its passage.

Which report was concurred in.

Senate bill No. 289, entitled "an act to provide for the acknowledgment of the execution of official bonds, and to declare the effect and obligation of such bond, as between the obligors and the State,"

Was read a first time and passed to a second reading.

Mr. Hord, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 225, entitled "an act to provide for taking depositions of parties to civil actions," having had the same under consideration, have instructed me to report the same back to the Senate, with the following amendments :

First, To strike out the following :

"They may testify in such actions, by depositions taken, as now provided by law for the taking the depositions of witnesses in civil actions."

Second, To insert in the place of that stricken out, the following :

Their depositions may be taken as in case of other witnesses.

And when said bill shall be so amended, recommend its passage.

Mr. Downey offered the following amendment :

Add to section first : "And such depositions, already taken in accordance with law may be used as evidence."

The report, as amended, was concurred in.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 241, entitled an act to amend an amendment of an act entitled "an act in relation to witnesses, and to repeal section 238 of article 13 of an act entitled an act to revise simplify and abridge the rules, practice, pleadings and form of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852, and repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force, which took effect and went into force March 17, 1861.

Which report was concurred in.

Senate bill No. 241 was read a second time and passed to a third reading.

Mr. Beeson, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 253, entitled an act to relieve County Auditors, Treasurers, Township Trustees, Assessors and other officers, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, &c., approved March 2, 1865, and declaring an emergency, have had the same under consideration, and direct me to report it back to the Senate, and recommend its passage.

Which report was concurred in.

Senate bill No. 253 was read a second time and passed to a third reading.

RESOLUTIONS OF THE SENATE.

Mr. Downey offered the following resolution :

Resolved, That the Committee on County and Township Business, be instructed to inquire what further legislation, if any, is necessary

with reference to the safe keeping of the public buildings of counties, the person or authority of whom this duty is required, and that they report by bill, or otherwise.

Which resolution was adopted.

Mr. Brown of Wells, offered the following resolution :

Resolved, That the Committee on the Agricultural College be, and they are hereby required to report all matters upon that subject now before them, on Friday the 8th inst.

Which resolution was adopted.

SENATE BILLS ON FIRST READING.

Mr. Allison introduced

Senate bill No. 290. An act entitled an act concerning school houses and defining who shall occupy and control them.

Which was read a first time and passed to a second reading.

Mr. Mason introduced

Senate bill No. 291. An act creating ——— Judicial Circuit, and designating what counties shall constitute the Seventh and Thirteenth Judicial Circuits, and fixing the times of holding courts in each of said Circuits.

Which was read a first time, and passed to a second reading.

Mr. Chapman introduced

Senate bill No. 292. A bill to provide a State Debt Sinking Fund, for the payment of principal and interest of the War Loan Bonds, and five and two and one-half per cent stocks of the State therein named, prescribing the duties of the Auditor, Treasurer, and Agent of State in relation thereto, providing for a Clerk of said Sinking Fund, and fixing his salary, and providing a penalty for the violation of its provisions and declaring an emergency for the immediate taking effect of the same.

Which was read a first time and passed to a second reading.

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate, that the House has passed the following engrossed bill thereof:

House bill No. 270. A bill fixing the *per diem* and mileage of members of the General Assembly, secretaries, clerks, doorkeepers and other employees thereof, in which the concurrence of the Senate is respectfully requested.

Mr. Cullen introduced

Senate bill No. 293. An act to provide for the periodical enumeration of the white male inhabitants of this State, over the age of twenty-one years, to prescribe the duties and fix the compensation of officers in relation thereto, and also to prescribe the penalties for the violation of official duty in connection with said enumeration, as well as the manner in which, and the courts by which said penalties shall be enforced.

Which was read a first time.

Mr. Cullen moved to suspend the rules, and read the bill a second time by title.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Corbin, Cullen, Culver, Douglas, Downey, English, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright and Mr. President—34.

None voting in the negative.

So the rules were suspended.

Senate bill No. 293 was read a second time by title, and,

On motion of Mr. Cullen,

Referred to the Special Committee on Apportionment.

Mr. Allison introduced

Senate bill No. 294. An act to amend sections 18 and 19 of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions."

Which was read a first time and passed to a second reading.

Mr. Bennett move to take up the message from the House on House bill No. 270.

Which was agreed to.

Mr. Bennett moved to suspend the rules, and read the bill a second time, now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright and Mr. President.—35.

None voting in the Negative.

So the rules were suspended.

House bill No. 270. A bill fixing the *per diem* and mileage of members of the General Assembly, Secretaries, Clerks, Doorkeepers, and other employees thereof.

Was read by title, and,

On motion of Mr. Bennett,

Referred to the select committee on that subject.

The President (Mr. Allison in the chair) introduced

Senate Bill No. 295. An act to amend section 33 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6th 1865.

Which was read a first time.

The President moved to suspend the rules, and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown Ham-
S. J.—18

ilton, Brown of Wells, Cason, Chapman, Corbin, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Vawter, Ward, Woods and Mr. President—35.

None voting in the negative.

So the rules were suspended.

Senate bill No. 295 was read a second time.

Mr. Williams moved to refer the bill to the Committee on Education,

Which was agreed to.

Mr. Williams moved to take up Senate bill No. 279,

Which was agreed to.

Senate bill No. 279 was read a second time by title.

Mr. Hanna moved to refer the bill to a select committee of one from each Congressional District.

Mr. Williams moved to amend by substituting "Committee of the Whole."

Mr. Cullen moved to lay the amendment on the table.

No quorum voting, the President ordered a call of the Senate.

Those who answered to their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright, and Mr. President—36.

The question recurring on the motion to lay the amendment on the table.

It was agreed to.

The question being on the motion to refer to one from each Congressional District,

Mr. Williams moved to refer the bill to the Committee on Education.

Mr. Cullen moved to lay the motion on the table.
Which was agreed to.

The question being on the motion of Mr. Hanna.
It was agreed to.

Mr. Allison introduced

Senate bill No. 296. An act to empower cities to construct gas works, to issue bonds to procure the funds, and levy a tax for their payment.

Which was read a first time and passed to a second reading.

Mr. Thompson introduced

Senate bill No. 297. A bill supplementary to an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10, 1853.

Which was read a first time.

Mr. Thompson moved to suspend the rules, and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Chapman, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright and Mr. President—34.

None voting in the negative.

So the rules were suspended.

Senate bill No. 297 was read a second time and passed to a third reading.

Mr. Allison moved to take up Senate bill No. 290.
Which was agreed to.

Mr. Allison moved to suspend the rules and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Chapman, Corbin, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright and Mr. President—35.

None voting in the negative.

So the rules were suspended.

Senate bill No. 290 was read a second time and passed to a third reading.

On motion by Mr. Williams,
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The hour having arrived for the special order,
The Senate proceeded to the consideration of Senate bill No. 219.

Mr. Brown of Wells, made the following minority report :

MR. PRESIDENT :

The undersigned, of the Committee on the Rights and Privileges of the Inhabitants of the State, beg leave to submit the following minority report upon Senate bill No. 219 :

The bill contemplates such a change of the existing law in relation to witnesses, as will permit Indians and negroes to testify, without any restrictions, in the courts of this State. So far as the former

race is concerned, the law would have but little practical effect, and it probably was not suggested by any considerations in behalf of that fast receding, but interesting people.

The philanthropy that could, through so many long years, sleep over any rights that might be deemed to have been withheld from the red man, would not now awaken to so keen a sense of his supposed wrongs. We may, therefore, quite properly consider the bill with reference only to the negro.

Of the five different races into which the human family has been classified, the Caucasian, or white race, presents the highest type of man, and the Ethiopian, or black race, the lowest. It is in this lowest class that the negro is found. Considering the question of his inferiority, as a race, an eminent English authority holds the following language :

“ While numberless European and Asiatic nations have attained to a high state of civilization, they (the negro), continue, with few exceptions, in nearly primeval barbarism. It is in vain to pretend that this is the result of the unfavorable circumstances under which they have been placed. An intelligent, enterprising people contend against unfavorable circumstances under which they are placed, and make them become favorable ; but the African, with the questionable exception of the ancient inhabitants of the Nile, have never discovered any considerable degree of enterprise or any wish to distinguish themselves either in arts or arms. From the remotest antiquity down to the present day, they have been hewers of wood and drawers of water for others, and have made little or no progress ; and the only legitimate inference from this lengthened induction seems to be that they are incapable of making it.” (Brande’s Ency. of Science, Lit. and Art, p. 825).

But it needs not this eminent authority to establish the inferiority of the negro ; science, history, society, his own independent efforts, and common consent, all combine to pronounce him inferior to the white race, socially, morally and intellectually.

When the foundations of our national Government were laid, the negro occupied a status in the country of established inferiority which grew out of and was based upon the recognized natural inferiority alluded to. He existed here only in a state of slavery. The status of slavery being inconsistent with and repugnant to that of citizens, the presumption is afforded that the framers of the Consti-

tution of the United States did not intend negroes to be included in the provisions contained in that instrument relating to citizens. Indeed, some of the provisions of the national Constitution indicate that the negro was to be excluded from all participation in the political rights therein granted; or, if any doubt of this could exist, the legislation of the first Congress under that Constitution, (of which Congress many of the framers of that instrument were members), and subsequent legislation exhibits, as a cardinal principle or idea, that this Government was established for the white race, and to the exclusion of the black race, or negro.

Looking at the Constitution and legislation of our State, we find this idea even more prominently indicated. The present State Constitution, to give it effect, prohibited the immigration of negroes into the State. In accordance with it, we find the negro denied any and all privileges, the enjoyment of which might break down this distinction. Our State legislation, from the earliest period to the present time, in relation to the subject contemplated by the bill, adopting itself to the idea mentioned, has prohibited negro testimony in all cases where the interests of the white race alone are involved. If doubts could be entertained of our State legislation being adapted to the idea that this is the white man's Government, they must certainly yield to the fact that in 1852 there was an omission in legislation upon the subject of negro testimony, which omission the very next session of the Legislature hastened to supply.

From this brief glance at the history of our government, both National and State, we are drawn to the conclusions—which can but become irresistible upon a closer and fuller examination of that history—that those Governments are of the white race, and that it was the design of their framers and legislators to erect an insurpassable barrier between the black and white races. Most especially do these conclusions apply to our State Government. While it was designed to allow the negro a certain restricted domicile within the borders of our State, and privileges as between himself and his fellow-blacks, it was most certainly designed that he should not be allowed any rights or privileges which would tend, in the least, to break down the barrier placed between him and the white man by nature, and by our Constitution and laws, recognized and sought to be upheld.

The undersigned cannot but regard the bill in question as subversive of this distinction, and therefore, contrary to the spirit of our Government. It is but the camel's nose, whose admission within the window of civil rights and privileges we must prevent, if we would

retain our own possession as our fathers intended. It is but the entering wedge, whose legitimate consequences must entail upon us all the evils of a heterogeneous population—evils already too sadly illustrated upon this hemisphere; evils feared by our fathers, and by them zealously sought to be guarded against. So long then, as the principle indicated is to be maintained, so long must the legislation contemplated by the bill under consideration be regarded as injudicious, impolitic and unwise.

It is, therefore, respectfully recommended that the bill lie upon the table.

Mr. Van Buskirk moved that the bill be engrossed, and read a third time to-morrow.

Mr. Cullen moved to postpone the further consideration of the bill until next Thursday week, at 9 o'clock A. M.

Mr. Williams moved to lay the motion upon table.

Messrs. Williams and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Douglas, Downey, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—19.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Cullen, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—18.

So the motion to postpone was laid upon the table.

The question being upon the engrossment of the bill,

Mr. Downey offered the following amendment:

Amend by adding to the first section the following words: "*Provided*, That no person having one eighth or more of negro blood who has come, or shall hereafter come, into this State, in violation of the thirteenth article of the Constitution of this State, or the law

made to carry the same into effect, shall be competent to testify in any case in which a white person is a party in interest.

Mr. Van Buskirk moved to postpone the whole subject till Tuesday next at 9 o'clock A. M.

Mr. Cobb moved to lay the motion upon the table.

Messrs. Cullen and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Douglas, Downey, English, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, Mason, Moore, Newlin, Staggs, Vawter and Williams—21.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Brown of Hamilton, Cason, Cullen, Culver, Hyatt, McClurg, Milliken, Niles, Noyes, Reagan, Richmond, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—20.

So the motion was laid upon the table.

Mr. Cason moved a call of the Senate.

Which was not agreed to.

Mr. Van Buskirk moved to postpone the further consideration of the bill and amendment till Tuesday next, at 9 o'clock A. M.

Which was agreed to.

The President announced the following Senate Committee on Public Debt:

- 4th District—Senator Cullen, Chairman.
- 1st District—Senator Williams.
- 2d District—Senator Bradley.
- 3d District—Senator Allison.
- 5th District—Senator Bennett.
- 6th District—Senator Oyler.
- 7th District—Senator Hanna.
- 8th District—Senator Newlin.
- 9th District—Senator Wright.
- 10th District—Senator Chapman.
- 11th District—Senator Brown of Wells.

A message from the Governor, by Charles P. Jacobs, his Private Secretary :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }
Indianapolis, December 5, 1865. }

To HON. PARIS C. DUNNING,

President of the Senate:

Sir—In reply to the resolution of the Senate adopted on the 4th instant, requesting information as to what amount of \$7,000 for a contingent fund, \$5,000 for telegraphing, and \$7,000 for clerk hire, has been expended; and also, whether the same amount will be required for the year 1866. I beg leave to say that by the seventh section of the General Appropriation Bill, the sum of \$7,000, or so much thereof as might be necessary, was appropriated for the Governor's civil contingent fund for the year 1865, and by the forty-third section of the same act, a like sum of \$7,000, or so much thereof as might be necessary, was appropriated for the same purpose, for the year 1866. Of the \$7,000 appropriated for the year 1865, by said seventh section, the sum of \$2,050 has been expended.

By the ninth section of the same act, the sum of \$12,000, or so much thereof as might be necessary, was appropriated for the Executive Department for clerk hire, and necessary incidentals of the Governor's office, for the year 1865; and by the forty-fifth section of the same act, a like sum of \$12,000, or so much thereof as might be necessary, was appropriated for the same purpose, for the year 1866. Of the said sum of \$12,000, so appropriated for the year 1865, the sum of \$9,434.71 has been expended up to this date.

By the twelfth section of the same act, the sum of \$5,000, or so much thereof as might be necessary, was appropriated to defray the expenses of telegraphing for the Executive Department for the year 1865; and by the forty-seventh section of the same act, the like sum of \$5,000, or so much thereof as might be necessary, was appropriated for the same purpose, for the year 1866. Of the said sum of \$5,000, so appropriated for the year 1865 by said twelfth section, the sum of \$2,500 has been expended up to this date.

In my judgment, the appropriation made by the forty-third section for the year 1866, can be reduced from \$7,000 to \$3,500; and that the sum of \$12,000, appropriated by the forty-fifth section for the year 1866, can be reduced to \$6,000: and that the sum of \$5,000, appropriated for the same year by the forty-seventh section, can be

reduced to \$2,500, making an aggregate reduction on all these appropriations of \$12,000.

It is but just to the Department to say that the Chairman of the Committee on Ways and Means of the House, had been informed several days before the passage of the resolution of the Senate, to which this is a response, that these reductions could be made.

I trust it is not necessary to assure the Senate that, after making these reductions, so much of the balance of the appropriations only, as the public interests may require, will be expended during the ensuing year. I respectfully ask that this communication may be submitted to the Senate.

Respectfully, your obedient servant,

CONRAD BAKER,

Lieutenant Governor, acting as Governor.

Mr. Williams moved to refer the message to the Committee on Finance.

Which was agreed to.

Mr. Bennett asked and obtained leave of absence for Mr. Van Buskirk for to-morrow.

Mr. Thompson moved to suspend the previous order of business.
Which was agreed to.

Mr. Thompson, from the Committee on the World's Fair, made the following report:

MR. PRESIDENT:

The Special Committee on the subject of the World's Fair, or Universal Exposition, to be held at Paris, France, to whom was re-committed engrossed Senate bill No. 280, have had the same under consideration, and report the same back for the consideration of the Senate without any additional recommendations.

Which report was concurred in.

Mr. Cullen introduced

Senate bill No. 298. An act fixing the time of holding court in the Fourth Judicial Circuit, and repealing all laws in conflict therewith, and declaring an emergency.

Which was read the first time and passed to a second reading.

Engrossed Senate bill No. 284, "an act to prevent unauthorized printing at the expense of the State,"

Was read a second time.

Mr. Beeson moved to suspend the rules and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—39.

None voting in the negative.

So the rules were suspended, and Senate bill No. 284 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—41.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Mason, from the Committee on Public Printing, made the following report :

MR. PRESIDENT :

The Committee on Public Printing, to whom was referred House

bill No. 143, entitled "an act to amend section 143 of an act entitled 'an act to provide for the publication of delinquent taxes,' approved March 31st, 1864, have considered the same, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Engrossed House bill No. 177, "an act to amend section 143 of an act entitled 'an act amendatory of an act to provide for the publication of delinquent taxes,' " approved May 30th, 1861,

Was read a second time and passed to a third reading.

Mr. Thompson moved to take up engrossed Senate bill No. 212, "an act to amend section 23 of an act entitled 'an act for the incorporation of Insurance Companies,' " defining their powers, and prescribing their duties," approved June 17th, 1852.

Which was agreed to.

Senate bill No. 212 was read a third time.

The question being, shall the bill pass?

Mr. Thompson moved to refer to the Committee on Corporations. Which was agreed to.

Mr. Hanna moved to take up engrossed Senate bill No. 216. An act to repeal sections 43 and 44 of an act entitled "an act prescribing who may make a will; the effect thereof; what may be devised; regulating the revocation; admission to probate, and contest thereof," approved May 31st, 1852.

Which was agreed to.

Senate bill No. 216 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Douglas, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—33.

Those who voted in the negative were,

Messrs. Downey, Moore and Noyes—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Richmond, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate bill No. 269, entitled "an act to require County Auditors to make examinations of the records in their offices in relation to the school funds, and make a report, and declaring an emergency," have had the same under consideration, and have directed me to report the bill back to the Senate with the recommendation that it pass.

Which report was concurred in.

Senate bill No. 269 was read a second time, and passed to a third reading.

Mr. Cason asked and obtained leave of absence for Mr. Bennett until Friday morning.

On motion by Mr. Cobb,
The Senate adjourned.

WEDNESDAY MORNING, 9 o'clock, }
December 6, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,
On motion of Mr. Gifford,
The further reading was dispensed with.

REPORTS FROM SPECIAL COMMITTEES.

Mr. Beeson, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 174, entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act; repealing all laws inconsistent herewith, and declaring an emergency," have had the same under consideration, and direct me to report it back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 174 was read a second time, and passed to a third reading.

Mr. Beeson, from the Committee on Agriculture, made the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred House bill No. 29, entitled an act to amend section 15 of an act entitled "an act concerning inclosures, trespassing animals and partition fences," have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it pass.

Which report was concurred in.

House bill No. 29 was read a second time, and passed to a third reading.

Mr. Hanna, from the Committee on the Agricultural College, made a majority report.

Mr. Dunning (Mr. Richmond in the chair) made a minority report.

Mr. Dunning offered an amendment to Senate bill No. 40, a bill on the same subject.

Mr. Culver moved to lay the reports and bill, together with all the papers on that subject on the table, and make the same the special order for Wednesday next, at 2 o'clock P. M.

Which was agreed to.

Mr. Staggs, from the Committee on Agriculture made the following report:

MR. PRESIDENT:

The Committee on Agriculture, to whom was referred Engrossed Senate bill No. 194, entitled a bill requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriations therefor, have had the same under consideration, and have instructed me to report the same back and recommend that it lie on the table.

Which report was concurred in.

Mr. Corbin, from the Committee on Railroad Appraisement, made the following report:

MR. PRESIDENT:

The Committee on Railroad Appraisements, to whom was referred Senate bill No. 250, entitled an act to secure a just valuation of Railroad property; also House bill No. 158, entitled an act to provide for the appraisement for taxation of the property of Railroad Companies within this State; prescribing the duties of officers in relation thereto, and repealing all laws in contravention thereof, and inconsistent therewith; have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that Senate bill No. 250 lie on the table, and that House bill No. 158 be amended by striking out after the enacting clause, and inserting the following, and when so amended, recommend its passage:

Mr. Vawter raised the following point of order:

The Select Committee on Railroad Appraisement having returned Senate bill No. 250, a bill to secure a just valuation of Railroad property, &c. &c., with a recommendation that it lie on the table, and having reported back House bill No. 158, with the recommendation that the engrossed amendment, (being an amendment striking out from the enacting clause, adopted on the 3d day of March, 1864, and

which was not at any time reconsidered by the Senate,) be struck out from the enacting clause, and an entire new bill, embracing the features of House bill No. 258, be inserted in lieu thereof, and the Senator from Jennings having raised the point of order, whether it was competent, at this time, to make such an amendment, and the chair (the Senator from Howard) having overruled the point of order, I respectfully appeal from said decision.

Pending which Mr. Beeson, from the Committee on Agriculture, asked and obtained leave to make the following report.

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 248, entitled an act to restrain certain animals, therein named, from running at large.

Which report was concurred in.

Senate bill No. 248 was read a second time, and passed to a third reading.

Mr. Fuller, from the Committee on Agriculture, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on Agriculture, to whom was referred Senate bill No. 218, entitled an act to amend an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act, by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "an act for the protection of sheep," approved June 15, 1852; approved March 2d, 1865, have had the same under consideration, and direct me to report the same back to Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 218 was read a second time, and passed to a third reading.

The question recurred on the appeal.

The question being, shall the decision of the chair stand as the judgment of the Senate.

The ayes and noes were demanded by Messrs. Vawter and Williams.

Those who voted in the affirmative were,

Messrs. Beeson, Bradley, Brown of Hamilton, Brown of Wells, Cason, Corbin, Culver, Davis, Downey, Dykes, English, Gifford, Hyatt, Milliken, Moore, Newlin, Niles, Reagan, Terry, Ward and Woods—21.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Chapman Douglas, Jinkens, Marshall, McClurg, Mason, Noyes, Staggs, Vawter, Williams and Wright—14.

Messrs. Dunning and Thompson were excused from voting.

So the decision of the chair stands as the judgment of the Senate.

The question being on concurring in the report,

Mr. Dunning moved to lay the report and bill on the table,
Which was agreed to.

RESOLUTIONS.

Mr. Beeson offered the following resolution.

Resolved, That the Committee on Finance be instructed to allow no claim, that is not presented to them at least ten days before the final day of adjournment, unless the same shall have accrued within the last day of the session.

Which resolution was adopted.

SENATE BILLS ON FIRST READING.

Mr. Brown of Wells, introduced

Senate bill No. 299. An act supplemental to an act of the General Assembly, of the State of Indiana, entitled "an act authorizing the construction of Plank, Macadamized and Gravel roads," approved May 12, 1852.

Which was read a first time, and passed to a second reading.

S. J.—19

Mr. Williams asked and obtained leave to offer the following resolution :

Resolved, That the Auditor of State report to the Senate whether the ten thousand dollars, appropriated as a miscellaneous fund, has been drawn from the treasury ; and if so, by whose order—for whose benefit—giving a detailed statement, if not inconsistent with the public good.

Which resolution was adopted.

SENATE BILLS ON THIRD READING.

Mr. Bradley moved to take up Senate bills on third reading,
Which was agreed to.

Engrossed Senate bill No. 161. A bill requiring the Boards of County Commissioners in the several counties of the State of Indiana, to examine the books, papers and vouchers of any county officer of their respective counties, who may be charged with having received a greater amount of fees than he is legally entitled to receive ; to determine the amount thereof, if any ; and to cause said suit to be brought for its recovery, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Douglas, Downey, Dykes, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Woods—33.

Those who voted in the negative were,

Messrs. Barker, English, Moore and Wright—4.

So the bill passed.

The question being, shall the title of the bill stand as read ?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 187. An act to amend sections 3 and 53 of an act entitled "an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved February 14, 1848, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Brown of Hamilton, Cason, Chapman, Corbin, Davis, Douglas, Downey, Dykes, English, Gifford, Hyatt, Marshall, McClurg, Mason, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—30.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Jinkens, Moore, Newlin and Staggs—6.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 208. An act to provide for the construction of sewers within incorporated towns, defining the powers and duties of the Board of Township Trustees in relation thereto, and to repeal all laws in conflict therewith.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas,

Downey, Dykes, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Bradley and Vawter—2.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 213. An act to amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—38.

Mr. Bradley, only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 214. A bill to define what officers shall

be elected by each House of the General Assembly, and fixing their compensation, and repealing all laws inconsistent therewith.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bradley, Brown of Wells, Cason, Cobb, Corbin, Culver, Davis, Douglas, Downey, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Vawter, Ward, Williams, Woods, Wright and Mr. President—34.

Those who voted in the negative were,

Messrs. Brown of Hamilton, Chapman, Dykes, Newlin and Thompson—5.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 215. An act to amend section 77 of an act entitled "an act to revise, simplify and abridge, the rules, practice, pleadings and forms, in criminal actions in the courts of this State," approved June 17, 1852, and declaring when the same shall take effect.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Thompson, Ward, Williams, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Allison and Terry—2.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 223. A bill to authorize married women under the age of twenty-one years, to join in the conveyance of real estate, in certain cases, and to repeal all laws and parts of laws inconsistent therewith.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—38.

Mr. Williams only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 225. An act providing for the taking of depositions of parties to civil actions, &c., and declaring when the same shall take effect.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 228. An act to amend an act entitled “an act to provide for a uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—40.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 229. An act supplemental to an act approved March 5, 1859, authorizing the purchase of railroads, plank roads and turnpike roads, under mortgage sale, or sales made according to the terms of deeds of trust, to organize as incorporated companies, and prescribing their powers and duties, extending the time provided in said act for the organization of such district corporations by such purchasers.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Culver, Davis, Downey, Dykes, English, Fuller, Gifford, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright, and Mr. President—34.

Those who voted in the negative were,

Messrs. Brown of Wells, Corbin and Douglas—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Oyler,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

The President being absent,

The Principal Secretary called the Senate to order, when

On motion of Mr. Allison,

Mr. Williams was called to the chair.

The President (Mr. Williams in the chair) laid before the Senate the following communication from the Auditor of State:

OFFICE OF AUDITOR OF STATE, }
INDIANAPOLIS, Dec. 6, 1865. }

HON. PARIS C. DUNNING,

President of the Senate:

SIR:—I am in receipt of the following resolution, adopted by the Senate on the 2d inst., to-wit:

“WHEREAS, It was charged, by the minority report of the select committee on Senate bill No. 250, that the passage of said bill would lose to the revenue of the State one millian dollars, therefore be it

“*Resolved*, That the Auditor of State be requested to inform the Senate what amount of revenues, if any, would be jeopardized by the passage of Senate bill No. 250.”

In reply, I have to state that, shortly after assuming the duties of my office, in January last, it came to my knowledge that a large amount of taxes were due and not paid, by various Railroad Companies in the State. Feeling it my duty to take some action in the premises, after consultation with the Governor, I requested the Attorney General to investigate the subject, and employed counsel to assist him in the prosecution of any suits it might be deemed proper to institute. Suits were accordingly brought in two cases, one of which is now pending in the Supreme Court. The amount of taxes

involved in these two suits is something over three hundred thousand dollars, (\$300,000), and I am informed by the counsel in the cases, that the whole amount involved in connection with these, and other Railroad Companies within the State, will reach nearly (\$1,000,000) one million dollars. This includes, of course, all taxes for which such Companies are liable; State, county, township, special school taxes, &c.

It may be proper to remark that a representation of the bond holders of one of the Companies, now in litigation, has informed me that the bond holders stand ready to pay the tax whenever the highest tribunal decides that they are legally due.

Which, on motion,

Was referred to the Committee on Railroad Appraisement.

The hour having arrived for the consideration of the special order,

The Senate proceeded to the consideration of Senate bills Nos. 209 and 89.

On motion of Mr. Cobb,
Senate bills Nos. 209 and 89, were laid on the table.

SENATE BILLS ON THIRD READING.

Mr. Richmond asked and obtained leave to offer the following resolution:

WHEREAS, Thursday, the 7th day of December, has been set apart by proclamation of the Governor of the State of Indiana, as a day of thanksgiving; and,

WHEREAS, It is eminently fitting that the Representatives of the people of a great State should observe the day so set apart with becoming solemnities; therefore, be it

Resolved, That the Rev. Mr. Staggs, Senator from the District composed of the counties of Putnam and Clay, be requested to deliver a sermon in the Senate chamber, to-morrow (Thursday) morning at 9 o'clock.

Which resolution was adopted.

Mr. Staggs declined the honor on account of ill health.

Senate bill No. 230. An act in relation to the organization of the Senate and House of Representatives,
Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Davis, Downey, English, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—34.

Mr. Dykes being the only one who voted in the negative.
So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 234. An act supplemental to an act, approved June 11th, 1852, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, English, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—38.

None voting in the negative,

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 239. An act authorizing the session of the Common Pleas Courts in this State, after the time of holding Circuit Courts, when the time of holding their sessions comes in conflict, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, English, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Wood and Wright—38.

None voting in the negative.

So the bill passed,

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 241. An act to amend an amendment of an act entitled "an act in relation to witnesses, and to repeal section 238 of article 13, of the act entitled 'an act to revise, simplify and abridge, the rules, practice, pleadings, powers and actions, at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity,' approved June 18, 1852; and to repeal all laws inconsistent

therewith, and providing when this act shall take effect and be in force," which took effect and went into force March 17, 1861.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hord, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, and Wright—34.

Those who voted in the negative were,

Messrs. Barker, English, Jinkens, Moore—4.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Vawter asked and obtained leave of absence until Friday next.

Engrossed Senate bill No. 244. An act to amend an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," approved June 9, 1852.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hord, Hyatt, McClurg, Mason, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Vawter, Ward, Woods and Wright—32.

Those who voted in the negative were,

Messrs. Barker, Jinkens, Milliken, Moore, Noyes, Staggs and Williams—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 246. An act to repeal the 17th section of an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Gifford, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Thompson, Ward and Woods—27.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Culver, Hord, Hyatt, Jinkens, Marshall, Moore, Staggs, Terry, Williams and Wright—12.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 249 was read a third time, and,

On motion by Mr. Richmond,
Referred to the Committee on the Judiciary.

Engrossed Senate bill No. 252. An act to amend the 2d section of an act for the incorporation of manufacturing and mining compa-

nies, and companies for mechanical, chemical, and building purposes, approved May 20, 1852, by extending the provisions of said section to any companies heretofore incorporated for any of the purposes contemplated in said act, and legalizing all conveyances heretofore received by such companies for such purposes.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Davis, Downey, Dykes, English, Gifford, Hord, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Williams, Woods, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Corbin, Culver, Jinkens, Mason, Moore and Staggs—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 253. An act to relieve county Aditors, Treasurers, Township Trustees, Assessors and other officers, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep-killing dogs," approved March 7, 1865, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hyatt, McClurg, Mason, Moore, Ward, Williams, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Jinkens, Marshall, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry and Woods—13.

So the bill did not pass, for want of a constitutional majority.

Engrossed Senate bill No. 254. An act to amend section 2 of an act entitled "an act to provide a Treasury system, for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of the public moneys.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Dykes, English, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—37.

Mr. Marshall only voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 255. A bill to amend section 2 of an act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities, theological institutions and missionary boards," approved February 28, 1855; approved March 5, 1859.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Dykes, English, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Terry, Ward, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Noyes, Richmond, Staggs and Williams—4.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 256. An act to amend clause 40 of section 30, of an act entitled "an act granting the citizens of the town of Evansville a city charter," approved January 27, 1847.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Williams, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Moore, Newlin and Staggs—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Oyler asked and obtained leave to offer the following resolution :

WHEREAS, The President of the United States and the Governor of the State of Indiana, have designated Thursday, the 7th day of December, as a day of general thanksgiving to Almighty God for his great mercies to the Nation, State and people, be it

Resolved, That when the Senate adjourns, it adjourn to meet on Friday next, at 9 o'clock A. M.

Which resolution was adopted.

Mr. Williams asked and obtained leave to offer the following resolution :

WHEREAS, There used to be in the ladies' lobby of the Senate chamber, two sofas ; and,

WHEREAS, It would be very convenient and pleasant for ladies visiting the Senate chamber, and also to the Senators who may be sick or disabled, to have them returned ; therefore,

Resolved, That the Doorkeeper be authorized to return them instantler.

Which resolution was adopted.

Mr. Brown of Wells, asked and obtained leave to offer the following resolution :

WHEREAS, By sections 10, 11 and 46, of the general appropriation law, approved March 6, 1865, there was appropriated for the Adjutant General's office, the sums of nine thousand two hundred dollars (\$9,200) for the unfinished business, twelve thousand dollars (\$12,000) for the current business of 1865, and twelve thousand dollars (\$12,000) for the current business of 1866 ; therefore

Resolved, That the Adjutant General be, and he is hereby respectfully requested, if not inconsistent with the public interest, to report to the Senate at his earliest convenience, what portion of said sums of nine thousand two hundred dollars, (\$9,200), and twelve thousand dollars, (\$12,000) for 1865, have been drawn from the Treasury, specifying by whom drawn, and upon what particular account and service ; also what part of said sum of twelve thousand dollars

(\$12,000) for 1866, may probably be necessary for the business of his office, during that year.

Which resolution was adopted.

Mr. Wright moved to suspend the order of business, and take up House bills on third reading.

Which was agreed to.

Engrossed House bill No. 78. A bill to provide for the sale of certain lands belonging to the State of Indiana in the counties of Jasper and Newton, and to give pre-emption to actual settlers thereto.

Was read a third time.

The question being upon the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Downey, Dykes, English, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Brown of Wells, Marshall and Moore—3.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered That the Secretary inform the House thereof.

Mr. Chapman asked and obtained leave to offer the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into and report by bill or otherwise, whether incorporated towns and cities may tax Fair Grounds for the grading of streets, and the improvement thereof, and for other municipal purposes.

Which resolution was adopted.

Mr. Downey asked and obtained leave to make the following report from the Judiciary Committee :

MR. PRESIDENT :

The Judiciary Committee report that they have considered Senate bill No. 249, entitled "an act defining the powers of companies organized to construct canals for hydraulic purposes," report the same back with the following amendments, and when so amended, they recommend its passage :

In line one, page two, strike out the word "general."

In line three, page two, strike out the words "special powers."

On page eight, second line from bottom, strike out the words "or parent."

On page nine, line three, strike out the same words.

On page ten, strike out the word "fixing," and insert "filing."

In line four, on page twelve, strike out the word "or," and insert "on."

Strike out all on same page after and including the words "that notwithstanding."

On page thirteen, second line from bottom, strike out the words "or take security for the same."

On page fifteen, strike out all of the section after the word "made" in last line on the page.

Which report was concurred in.

Senate bill No. 249 was read a third time.

The question being on the passage of the bill,
Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hanna, Hord,

Hyatt, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams Woods, Wright and Mr. President—39.

Mr. Jinkens, only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 258. An act to amend section 96 of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties, of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements, approved June 17, 1852.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Woods, Wright and Mr. President—38.

Mr. Williams, only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 261. An act to amend the 2d and 5th sections of an act entitled "an act concerning the organization of

voluntary associations, and repealing all former laws in reference thereto," approved February 12, 1858.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—39.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 262. An act to make an appropriation to pay the balance of the quota of this State of the expenses, of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, as assessed by the Board of Managers of said association.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Williams, Woods, Wright and Mr. President—36.

Mr. Staggs, only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 268. An act to invest the Circuit Courts of this State with exclusive original jurisdiction in applications for divorces, and to prescribe the terms upon which divorces may be granted in cases where the causes of divorces relied on occurred elsewhere than in this State.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Culver, Davis, Downey, Dykes, Gifford, Hanna, Hyatt, Jinkens, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Williams, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Corbin, Douglas, English, McClurg, Mason, Milliken, Staggs and Mr. President—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 269. An act entitled "an act to require county Auditors to make examination of the records in their officers in relation to school funds, and make report, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Brown of Wells, English, Jinkens, Mason and Moore—5.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 272, entitled a bill to amend the 12th section of an act entitled "an act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named; and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed."

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Brown of Wells, Cason, Chapman, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hanna, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Williams, Woods, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Corbin, English, Jinkens, Moore and Staggs—8.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 290. An act concerning school houses and defining who shall occupy and control them.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—35.

Mr. Newlin, only, voting in the Negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 280, relative to the Universal Exposition at Paris, France, in 1867.

Was read a third time.

The question being on the passage of the bill—

Pending which, the following message was received from the House, by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following Engrossed bills thereof, to-wit:

Engrossed House bill No. 25. A bill to repeal an act entitled "an act to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest;" approved February 14, 1853, and so much of all other laws as render persons incompetent as witnesses, on account of their color.

House bill No. 239. A bill to authorize Manufacturing Companies to erect, a dam across the St. Joseph river, in Elkhart county.

Mr. Milliken moved to recommit Senate bill No. 280 to the Select Committee on the World's Fair, with instructions to strike out the word "five," and insert the word "three."

Which was agreed to.

Engrossed Senate bill No. 297. A bill supplemental to an act entitled "an act defining felonies, and prescribing penalties therefor," approved June 10, 1852.

Was read a third time.

Mr. Oyler moved to lay the bill (No. 297) on the table,
Which was agreed to.

Engrossed Senate Joint Resolution, No. 15. A Joint Resolution requesting our Senators and Representatives in Congress, to adopt some more efficient mode of adjusting soldiers' claims.

Was read a third time.

The question being on the passage of the resolution,
Shall the resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Culver, Davis, Downey, Dykes, English, Gifford, Hanna, Hyatt, Jinkens, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods, Wright and Mr. President—35.

None voting in the negative.

So the resolution passed.

The question being, shall the title of the resolution stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Beeson moved to take up Senate bill No. 189,
Which was agreed to.

Senate bill No. 189 was read a second time and passed to a third reading.

Mr. Corbin asked and obtained leave to make the following report :

MR. PRESIDENT :

The Special Committee to whom was referred Joint Resolution No. 30, on the subject of the Terre Haute and Richmond Railroad, have had the same under consideration, and have directed me to report the same back with the following amendment :

Strike out after the resolving clause, and insert the following, and after so amending, do recommend its passage.

Which report was concurred in.

Senate Joint Resolution No. 30 was read a second time, and ordered to be engrossed.

Mr. Allison asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred Senate bill No. 295, entitled an act to amend section 33 of an act entitled "an act to provide for a general system of common schools, the officers thereof, their respective powers, and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6, 1865, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 295 was read a second time, and passed to a third reading.

On motion by Mr. Gifford,

The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
December 8, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,
On motion by Mr. Oyler,
The further reading was dispensed with.

The hour having arrived for the special order, the Senate proceeded to the consideration of House Joint Resolution No. 1,
Pending which,
Mr. Beeson asked and obtained leave to introduce

A memorial on the subject of the State debt,
Which was referred to the Select Committee on that subject.

The question recurs on House Joint Resolution No. 1.

The question being on reading a third time to-morrow,
Messrs. Vawter and Oyler demanded the ayes and noes.

Those who voted in the affirmative were.

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Chapman, Cullen, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—21.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Staggs, Vawter and Williams—22.

So the Joint Resolution was not ordered to be engrossed.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Woods offered a petition praying for the repeal of an act entitled "an act for the relief of the families of soldiers, seamen, marines," &c. &c., approved March 4th, 1865,

Which was referred to the select committee on that subject.

Mr. Cason offered a petition praying for the repeal of "an act for the relief of soldiers, seamen, and marines, approved March 4, 1865, Which was referred to the select committee on that subject.

Mr. Cobb asked and obtained leave to offer the following resolution :

Resolved, That no Senator shall hereafter be granted leave of absence, during the present session, unless on account of sickness of himself or some member of his family,

Which resolution was adopted.

REPORTS FROM STANDING COMMITTEES.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 273, legalizing the action of the State Board of Equalization at its session in 1864, and declaring the duty of the Auditor of State in relation thereto, have instructed me to report the same back without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 273 was read a second time and passed to a third reading.

Mr. Cullen, from the Committee on Canals and Internal Improvements, made the following report :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements, to whom was referred Senate bill No. 107, an act authorizing certain persons therein named to dig and construct a certain canal, have had the same under consideration, and direct me to report the same back to the Senate with the recommendation that the bill pass.

Which report was concurred in.

Senate bill No. 107 was read a second time and passed to a third reading.

Mr. Beeson, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 212, entitled "an act to legalize the appraisement of real estate made under the provisions of the act entitled 'an act to provide for the apportionment of real estate, and prescribing the duties of officers in relation thereto,' " approved December 21, 1858, have had the same under consideration, and direct me to report the same back to the Senate, with the recommendation that it pass.

Which report was concurred in.

Senate bill No. 212 was read a second time and passed to a third reading.

Mr. Woods, from the Committee on Temperance, made the following report :

MR. PRESIDENT :

The Committee on Temperance, to whom was referred House bill No. 39, a bill to amend the 8th section of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859, have had the same under consideration, and request me to report the same back and recommend its passage.

Which report was concurred in.

House bill No. 39 was read a second time and passed to a third reading.

Mr. Bennett asked and obtained leave to record his vote on House Joint Resolution No. 1.

Mr. Bennett voted aye.

Mr. Wright, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Roads, to whom was referred Senate bill No.

247, entitled "an act authorizing plank, macadamized, and gravel road companies to enter upon adjacent lands and appropriate and remove earth, stone, timber and gravel, for the construction of their roads and matters properly connected therewith, and declaring an emergency," have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 247 was read a second time and passed to a third reading.

Mr. Beeson, from the Committee on Canals and Internal Improvements, made the following report :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements, to whom was referred House bill No. 75, entitled "a bill to empower railroads to construct branches to neighboring coal mines," have had the same under consideration, and direct me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 75 was read a second time and passed to a third reading.

Mr. Reagan, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 82, a bill concerning the creating of corporations for the purpose of maintaining High Schools within the State, and giving the requisite powers to such corporations, have had the same under consideration, and have directed me to report the same back to the Senate, with the recommendation that it pass.

Which report was concurred in.

House bill No. 82 was read a second time and passed to a third reading.

Mr. Hyatt, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 283, a bill to authorize the Common Council of any of the towns in this State to appoint a town attorney, and providing compensation therefor, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 283 was read a second time and passed to a third reading.

Senate bill No. 212. An act to amend section 23 of an act entitled "an act for the incorporation of Insurance Companies, defining their powers, and prescribing their duties," approved June 17, 1852, Was read a third time.

Mr. Cullen moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dykes, English, Finch, Gifford, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Vawter, Ward, Woods and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Corbin, Culver, Fuller, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Moore, Staggs, Williams, and Wright—15.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Reagan, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 88, a bill to authorize high schools, academies, colleges, universities, theological institutions and missionary boards, formed under the general laws of this State, to change their corporate names, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

House bill No. 88 was read a second time and passed to a third reading.

Mr. Ward, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 106, a bill authorizing the construction of warehouses, for the inspection, storage and sale of tobacco, have had the same under consideration, and have directed me to report it back to the Senate and recommend its passage.

Which report was concurred in.

House bill No. 106 was read a third time.

Mr. Ward, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 149, a bill to enable the board of directors of any incorporated turnpike company to change the time of holding the election of

directors, have had the same under consideration, and have directed me to report it back without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 149 was read a second time and passed to a third reading.

Mr. Mason moved to suspend the previous order, and take up House bill No. 177.

Which was agreed to.

Engrossed House bill No. 177. An act to amend section 143 of an act entitled "an act amendatory of an act to provide for the publication of delinquent taxes," approved May 31, 1861.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bowman, Brown of Hamilton, Brown of Wells, Chapman, Corbin, Cullen, Culver, Douglas, English, Gifford, Hyatt, McClurg, Mason, Moore, Newlin, Niles, Oyler, Richmond, Thompson, Woods, Wright and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bradley, Cobb, Davis, Downey, Dykes, Finch, Fuller, Jinkens, Marshall, Milliken, Noyes, Reagan, Staggs, Terry, Vawter, Ward and Williams—19.

So the bill did not pass, for want of a constitutional majority.

Mr. Downey moved to suspend the previous order,
Which was agreed to.

Mr. Downey moved to take up Senate bill No. 156.
Which was agreed to.

Engrossed Senate bill No. 156. An act to amend the 14th section of an act entitled "an act to limit the number of grand jurors, and to point out the manner of their selection, defining their jurisdiction

and repealing all laws inconsistent therewith," approved March 4, 1852, and to change the forms of the oath of grand jurors.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Woods and Mr. President—36.

Those who voted in the negative were,

Messrs. Brown of Wells, Cullen, Mason, Moore, Vawter and Wright—6.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Downey asked and obtained leave to introduce

Senate bill No. 300. An act to amend the 5th section of an act entitled "an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.

Which was read a first time and passed to a second reading.

Message from the House, by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof:

Engrossed House bill No. 125. A bill to amend section 1 and 2 of an act entitled "an act to provide for the relocation of county

seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855.

The question recurring on Senate bill No. 300,

Mr. Oyler moved to suspend the rules, and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Brown of Hamilton, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Woods and Mr. President—36.

Those who voted in the negative were,

Messrs. Brown of Wells, Moore and Vawter—3.

So the rules were suspended.

Senate bill No. 300 was read a second time and passed to a third reading.

Mr. Noyes moved to take up House bill No. 106.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—43.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cobb moved to request the Judiciary Committee to return House bill No. 47 immediately.

Which was agreed to.

Pending which,

Mr. Vawter asked and obtained leave to offer the following :

Resolved, That the Governor and Auditor of State be and are hereby requested to inform the Senate: 1st, How many war loan bonds have been issued; 2d, Who are the holders of said bonds; 3d, What conditions, if any are contained in said bond; 4th, At what rate said bonds were sold; 5th, Whether the Federal Government at any time assumed the indebtedness incurred by the State of Indiana in providing supplies and men to said government in putting down the present rebellion; and if so, whether the money so paid, or securities so given in such assumption, did enure to the benefit of the holders of bonds issued under the provisions of an act making additional provisions for the payment of the loan of two millions of dollars authorized by the act of the General Assembly, approved May 13, 1861; and if not, why the provisions of the 3d section of said act was not complied with.

Which resolution was adopted.

House bill No 47 was read a third time.

Mr. Bradley offered the following amendment :

Amend so as to strike out all that portion of the bill which authorizes the Sinking Fund Commissioners to loan said sinking fund.

Mr. Cullen moved to lay the amendment on the table.

Messrs. Cullen and Bradley demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Brown of Wells, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Finch, Gifford, Hanna, Hord,

Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs, Vawter, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Terry, Thompson, Ward, Williamson and Woods—18.

So the amendment lies on the table.

The question recurs on the passage of House bill No. 47,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Brown of Wells, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, English, Finch, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Vawter, Ward, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Culver, Davis, Dykes, Hyatt, Noyes, Terry, Thompson, Williams and Woods—16.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Bradley,
The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

Mr. Bennett asked and obtained leave to introduce

Senate Joint Resolution No. 22. A Joint Resolution declaring in what manner the acts of the present session of the General Assembly shall be published and circulated in the various counties, in order to cause the same to take effect.

Which was read a first time, and passed to a second reading.

Mr. Bradley moved to suspend the previous order, and take up House bill, No. 125,

Which was agreed to.

Engrossed House, bill No. 125, entitled an act to amend sections one and two of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855.

Was read a first time, and passed to a second reading.

Mr. Bradley moved to suspend the rules, and read the bill a second time now.

The question being on the suspension of the rules,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Fuller, Gifford, McClurg, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Ward, Wright and Mr. President—28.

Those who voted in the negative were,

Messrs. Barker, Corbin, English, Hyatt, Jinkens, Moore, Terry, Wawter and Williams—9.

So the rules were not suspended.

Mr. Cobb moved a call of the Senate,
Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Williams, Woods, Wright and Mr. President—44.

Mr. Cobb moved that absentees be sent for,
Which was agreed to.

Mr. Douglas moved that the Senate adjourn for one hour,
Which was not agreed to.

Mr. Cobb moved to dispense with the further call of the roll,
Which was agreed to.

House bill No. 47. A bill to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said Board to loan any moneys belonging to said Fund, in Indiana State Bonds or stocks, and the reissuing of new non-negotiable bonds, or stocks payable to said fund.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Brown of Wells, Chapman, Cobb, Corbin, Cullen, Culver, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Vawter, Ward, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Cason, Davis, Dykes, Hyatt, Noyes, Terry, Thompson, Williams and Woods—15.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Williams asked and obtained leave to introduce the following resolution.

WHEREAS, The Doorkeeper has reported to this Senate that the sofas belonging to the Senate, cannot be found about the State House ; therefore,

Resolved, That the Doorkeeper is hereby authorized to make further search for them, not confining himself to the limits of the State House entirely.

Which resolution was adopted,

Mr. Richmond, from the Committee on County and Township Business made the following report :

MR. PRESIDENT :

The Committee on County and Township business, to whom was referred Senate bill No. 278, entitled an act to amend section 35 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township Assessors, and prescribing the duties of Assessors and Appraisers of real and personal property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and providing when the same shall take effect, have had the same under consideration, and have directed me to report the bill back to the Senate, and recommend its passage.

Which report was concurred in.

Senate bill No. 278 was read a second time and passed to a third reading.

Mr. Cobb moved to suspend the previous order.

Which was agreed to.

Mr. Cobb moved to take up House bill No. 138.

Which was agreed to.

Mr. Culver, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

Senate bill No. 282, a bill providing for the employment of watchmen in any of the cities of this State, and providing for their payment, which was referred to the Committee on Corporations, have instructed me to report the bill back and recommend its passage.

Which report was concurred in.

Pending the consideration of House bill No. 158,

On motion by Mr. Corbin,

The Senate adjourned for one hour at 3 o'clock P. M.

4 O'CLOCK, P. M.

The Senate met.

Mr. Vawter moved a call of the Senate.

Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods and Wright—42.

Mr. Bennett moved to dispense with the further call of the Senate, Which was agreed to.

The hour having arrived for the special order,

The Senate proceeded to the consideration of Senate bill No. 15.

Mr. Chapman moved to postpone the further consideration of the bill until Wednesday next, at 9 o'clock.

Mr. English moved to amend, by making it the special order for to-morrow morning, at 9½ o'clock.

Which was accepted and agreed to.

The question recurs on the consideration of House bill No. 158.

The question being on concurring in the amendments proposed in the report of the Committee,

Mr. Vawter moved to strike out the first and sixth sections.

Messrs. Vawter and Noyes demanded the ayes and noes.

Pending the call,

On motion by Mr. Williams,

The Senate adjourned.

SATURDAY MORNING, 9 o'clock, }
December 9, 1865.

The Senate met.

The Assistant Secretary proceeded to read the journal, when,

On motion by Mr. Oyler,

The further reading was dispensed with.

Mr. Chapman moved to suspend the previous order, and take up Senate bill No. 292.

Which was agreed to.

Senate bill No. 292 was taken up, read by title, and,

On motion by Mr. Chapman,

Referred to the special committee on the subject of the State debt.

Mr. Oyler moved to suspend the previous order, and take up Senate bill No. 300.

Which was agreed to.

Engrossed Senate bill No. 300. An act to amend the 5th section of an act entitled "an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Woods, Wright and Mr. President—40.

Those who voted in the negative were,

Messrs. Brown of Wells, Cullen, Moore, Vawter and Williams—5.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cason moved to suspend the previous order, and take up Senate bill No. 289.

Which was agreed to.

Senate bill No. 289. An act to provide for the acknowledgement of the execution of official bonds, and to declare the effect and obligations of such bonds as between the obligors and the State.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—44.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

The hour having arrived for the special order,

The Senate proceeded to the consideration of Senate bill No. 15.

Engrossed House amendments to Senate bill No. 15 were taken up.

The pending question being on the adoption of the two first amendments to the first section,

Messrs. Chapman and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bowman, Cason, Cobb, Cullen, Culver, Downey, English, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Staggs, Thompson, Vawter, Ward, Wright and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bonham, Brown of Hamilton, Brown of Wells, Chapman, Corbin, Davis, Douglas, Dykes, Finch, Fuller, Hord, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry and Woods—23.

Mr. Williams paired with Mr. Bradley.

So the amendments were not concurred in.

The question being on concurring in the fourth amendment to the 1st section, which reads as follows :

Amend section 1, by striking out all after the word "corporation," in line 27, and insert in lieu thereof, "amended section 14."

Messrs. Allison and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bowman, Brown of Hamilton, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—39.

Those who voted in the negative were,

Messrs. Barker and Chapman —2.

Mr. Williams paired with Mr. Bradley.

So the amendment was concurred in.

The question being on the following amendment to section 3, viz :

To further amend section 3, by adding after the word "county," in line 50, the following : "And in each county named in this bill."

It was concurred in.

The question being on concurring in the 18th amendment, which reads as follows :

Amend section 9, by adding after the word "report," in line 144, the following :

"Separating said claims into the following classes : 1st, Claims for property taken, destroyed or injured by the rebels : 2d, Claims for property taken, destroyed or injured by the Union forces under command of Federal officers ; 3d, Claims for property taken, destroyed or injured by Union forces not under command of United States officers, with a statement showing specifically, in each case, under

what circumstances, and by what authority such property was so taken, injured or destroyed."

Messrs. Allison and Vawter demanded the ayes and noes :

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Cobb, Cullen, Culver, Downey, Dykes, English, Fuller Gifford, Hanna, Hyatt Jinkens, Marshall, Mason, Oyler, Staggs, Thompson, Vawter, Ward, Wright, and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brown of Hamilton, Brown of Wells, Chapman, Corbin, Davis Douglas, Finch, Milligan, Moore, Newlin, Niles, Noyes, Regan, Richmond, Terry, and Woods—18.

So the amendment was concurred in.

The question being on concurring in the 22d amendment, which reads as follows, viz :

Amend section 10, by striking out the word "eight," and inserting "six."

Messrs. Vawter and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Cullen, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, Moore, Newlin, Noyes, Reagan, Richmond, Staggs, Terry, Vawter, Ward, Woods, and Wright—27.

Those who voted in the negative were,

Messrs. Allison, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, Mason, Milligan, Niles, Thompson and Mr. President—13.

So the amendment was concurred in.

All the other engrossed amendments of the House were rejected.

Mr. Brown of Wells, moved to appoint a committee of Conference to confer with a similar committee on the part of the House upon the bill.

The President decided the motion out of order.

Mr. Cobb moved to make House bill No. 158 the special order for Monday next at 2 o'clock, and have 200 copies of the bill and the amendments proposed by the committee, printed.

Which was agreed to.

Mr. Brown of Wells, asked and obtained leave to offer the following concurrent resolution :

WHEREAS, We believe that a truly republican government is only rightly administered when its burthens are imposed equally and without distinction as to citizens, power or official position, and,

WHEREAS, We believe the fostering of privileged classes, whether such classes be based upon wealth, official position or any like distinction whatsoever, is inimical to the spirit and genius of our government, and,

WHEREAS, We do especially deem the creation of a monied aristocracy as a sure stride toward a centralized and despotic form of government, and,

WHEREAS, We believe the legislation of Congress in exempting the bonds, coupons, national currency, United States notes, checks for money of authorized officers of the United States, certificates of deposit, stamps and other representations of value of whatever denomination which have been or may be issued under any act of Congress tends to create and impose upon our country the evils above deprecated, therefore,

Resolved, By the Senate, the House concurring, that we hereby instruct our Senators and request our Representatives in Congress to labor for the immediate repeal of all laws or parts of laws granting the exemption aforesaid.

Resolved, That a copy of the above preamble and resolution, over the signatures of the President of the Senate, the Speaker of the House, the principal Secretary of the Senate and the principal Clerk of the House, be communicated to our said Senators and Representatives.

Which on motion by Mr. Oyler was referred to the select Committee on that subject.

Mr. Brown of Wells, asked and obtained leave to introduce

Senate Joint Resolution No. 23, "entitled a Joint Resolution for

the amendment of section 9, article 4, of the Constitution, so as to provide for annual sessions of the Legislature.

Which was read a first time and passed to a second reading.

Mr. Staggs asked and obtained leave of absence until Monday next, at 2 o'clock, P. M.

REPORTS FROM STANDING COMMITTEES.

Mr. Cullen asked and obtained leave to make the following report from a select committee :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 293, entitled "an act to provide for the periodic enumeration of the white male inhabitants of this State, over the age of twenty-one years, to prescribe the duties and fix the compensation of officers in relation thereto, and also to prescribe the penalties for the violation of official duty in connection with said enumeration, as well as the manner in which, and the Courts by which, said penalties shall be enforced," have had the same under consideration, and direct me to report the same back to the Senate, without amendment, and recommend its passage,

Which report was concurred in.

Mr. Vawter moved that when the Senate adjourn, it be until Monday next at 2 o'clock, P. M.

Messrs. Vawter and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Wells, Cason, Cobb, Corbin, Culver, English, Finch, Jinkens, Mason, Moore, Newlin, Reagan, Terry, Vawter, Ward and Woods—19.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cason, Chapman, Cullen, Douglas, Dykes, Gifford, Hanna, Marshall, Milliken, Niles, Noyes, Oyler, Richmond, Williams, Wright and Mr. President—18.

So the motion was agreed to.

Senate bill No. 293 was then read a second time and passed to a third reading.

Mr. Richmond, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred Senate resolution No. 15, introduced by the Senator from Ohio, directing said Committee to inquire what legislation, if any, is necessary with reference to the safe keeping of the public buildings, &c., of counties, and to report by bill, or otherwise, have had the same under consideration, and have directed me to report the following bill in relation to the matters set forth in the resolution aforesaid, and recommend its passage by the Senate.

Which report was concurred in.

Senate bill No. 301. An act with reference to public buildings of counties and the grounds belonging thereto, and prescribing the duties of county boards and sheriffs in reference to the same.

Was read a first time, and passed to a second reading.

Mr. Richmond offered the following:

The State of Indiana, to Charles C. Campbell, late Sheriff of Marion county, Indiana, Dr.

For money expended in arresting James Dillman, in 1852, \$83 00

For money expended in arresting Peter McCarty, in 1852, 69 00

For money expended in arresting Harvey Moon, in 1852, 45 00

Total, \$197 00

STATE OF INDIANA, }
MARION COUNTY. } ss.

I, Charles C. Campbell, late Sheriff of Marion county, Indiana, do solemnly swear that the money was expended as above charged, and that the amount remains wholly unpaid, and still due me.

C. C. CAMPBELL.

[SEAL.]

Subscribed and sworn to before me, this 4th day of December, 1865.

[5 cents I. R.]

SAMUEL H. BUCKNER.

Notary Public.

Which, on motion, was referred to the Committee on Claims.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred House bill No. 210, entitled "a bill to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws in conflict therewith," have had the same under advisement, and having duly considered the same, have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was not concurred in.

Senate bill No. 210 was read a second time, and passed to a third reading.

Mr. Vawter, from the Select Committee on House bill No. 270, made the following report :

Mr. Allison moved to lay the report and bill on the table.

Which was agreed to.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 276, offered by Senator Bonham, entitled an act to amend section 26 of an act entitled "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, have had the same under advisement, and having duly considered the same, have instructed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 276 was read a second time, and passed to a third reading.

Mr. Cobb, from the Committee on the State Library, made the following report :

MR. PRESIDENT :

The Committee on State Library, to whom was referred Senate bill No. 281, a bill to amend an act entitled "an act to fix the amount of the salary of the State Librarian, and repealing all laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk," approved March 4, 1859, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 281 was read a second time and passed to a third reading.

Mr. Cobb introduced

Senate bill No. 302, entitled an act to amend sections 39, 42, 45 and 54, of an act entitled "an act for the incorporation of Insurance Companies, defining their powers, and prescribing their duties," approved June 17, 1852.

Which was read a first time and passed to a second reading.

Mr. Douglas introduced

Senate bill No. 303. An act to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made, rendered and had, by and before the Court of Common Pleas of Whitley county, in this State, held in the Court House of said county, in the month of March, in the year one thousand eight hundred and sixty-five, then and there, before the regular Judge of said courts.

Which was read a first time and passed to a second reading.

Mr. Douglas introduced the following resolution :

Resolved, That James G. Bryant be, and is hereby allowed, the sum of six dollars and fifty cents for one copy of Cushing's Parliamentary Law, (large edition), furnished for the use of the President of the Senate, at the regular session of the Senate for the year 1865,

and that the Auditor of State be directed to issue his warrant^t therefor, payable out of the Legislative Fund.

Mr. Douglas moved to refer the resolution to the Committee on Claims.

Which was agreed to.

Mr. Niles introduced an account from the Indianapolis Gas-light and Coke Company of \$65.70.

Which was referred to the Committee on Claims.

On motion by Mr. Gifford,
The Senate adjourned.

MONDAY AFTERNOON, 2 o'CLOCK, }
December 11, 1865. }

The Senate met.

The Assistant Secretary of the Senate proceeded to read the journal, when,

On motion by Mr. Gifford,
The further reading was dispensed with:

The President laid before the Senate the following communication from the Adjutant General:

EXECUTIVE DEPARTMENT OF INDIANA, }
ADJUTANT GENERAL'S OFFICE, }
Indianapolis, December 9, 1865. }

To HON. PARIS C. DUNNING,

President of the Senate:

Sir—I have the honor to acknowledge the receipt this day of a resolution passed by the Senate on the 6th instant, calling on me for

a report of expenditures from the appropriations made by the Legislature at the last session, for expenses of this office, said report to specify by whom the moneys were drawn, and upon what particular account and service; also, the probable amount necessary to be expended from the appropriations, for 1866, for expenses of this office during that year.

In reply, the following is respectfully submitted:

Appropriations for expenses of Adjutant General's Office for 1865.

For unfinished business	\$9,200 00
For current business... ..	12,000 00
Total.....	<u>\$21,200 00</u>
Amount drawn to this date.....	11,974 24
Balance.....	<u>\$9,225 76</u>
Amount required for payment of bills incurred in fitting up office, not yet audited, and clerk hire for Dec., 1865	1,672 60
Leaves balance of appropriations for 1865.....	<u>\$7,553 16</u>
There was also appropriated for 1866, for current business	12,000 00
Appropriations unexpended Jan. 1, 1866.....	<u><u>\$19,553 16</u></u>

The estimated amount required for expenses of the office for the year 1866 is \$9,553 16, leaving the sum of \$10,000 of the appropriations to be applied to other objects.

The accompanying list will show the amounts drawn, by whom, and for what service. In stating the accounts, it is impossible to separate the expenses incurred on account of unfinished and deferred business, from the expenses incurred on account of the ordinary and regular business—all being, in a great measure, necessarily blended together.

The attention of the Senate is respectfully called to my report on this same subject, submitted to the House of Representatives a few days since, a copy of which is herewith presented and made part hereof.

W. H. H. TERRELL,
Adjutant General of Indiana.

EXECUTIVE DEPARTMENT OF INDIANA,
 ADJUTANT GENERAL'S OFFICE,
 Indianapolis, Indiana, December 12, 1865. }

HON. JOHN U. PETTIT,

Speaker of the House of Representatives:

Sir—In compliance with a resolution of the House of Representatives, passed on the 28th ultimo, which reads as follows, to-wit :

“ *Resolved*, That the Adjutant General be requested to report to the House the amount unexpended of the appropriation made for his office at the last regular session of the General Assembly for the year 1865, together with his estimate of the amount that will necessarily be required of the appropriations made for the year 1866. And that he further report the amount of the clerical force that will, in his opinion, be necessary for the proper performance of the duties of his office for the year 1866, and a statement of the work remaining to be completed which is not a part of the ordinary and regular business of the office.”

I have the honor to submit the following report :

The appropriations made at the last regular session for the expenses of this office, were as follows :

For 1865, to complete the unfinished and deferred work..	\$9,200 00
For 1865, for the current work.....	12,000 00

Making.....	\$21,200 00
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The expenditures up to 31st Dec. next will amount to..	13,646 84
--	-----------

Leaving unexpended balance of.....	\$7,553 16
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There was also appropriated for expenses for the year 1866, for the current work.....	\$12,000 00
---	-------------

Making, with unexpended balance,	\$19,553 16
--	-------------

My estimate is that \$9,553 16 will be sufficient for the expenses of 1866, leaving of the appropriations to be applied to other objects, \$10,000.

The expenses during the present year have been increased somewhat beyond my expectations at the time the appropriations were made, because of the absolute necessity of entirely refitting the office

with new cases and furniture, so as to secure a proper systematization and arrangement of records and papers, without which business could only be done at great disadvantage, involving delay and an increase of expense. The amount thus expended is near \$1,500, but when a comparison is made between the former arrangement and the present, it is believed no just cause of complaint can be urged for making the change.

A portion of the time during the present year, eleven clerks were employed, but the average number has been eight. The expense for clerk hire, at the present time, is \$925 per month, and one messenger and porter at \$35 per month. By the 1st of January next I hope to get along with six clerks, and within two or three months thereafter may be able to further reduce the force. But as the work yet to be done, in addition to the ordinary and regular business of the office, is very considerable, and cannot be accomplished without the assistance of experienced clerks, it is impossible to state, with exactness, the reduction that may be made.

As heretofore, I shall endeavor to keep the expenses of the office as low as the demands of the public service will allow. The business of the office—that is to say, the unfinished and deferred work, and the ordinary or regular work—is so blended together, that I cannot undertake to convey an idea of it, except as a whole.

The records of the officers commissioned in the various organizations of the State, are complete, and have all been transcribed and placed in the hands of the printer. Two large volumes will be required for this part of the report, which will contain the names of over 17,000 officers, and about 300 pages of historical matter. The first volume will be laid upon your desks in a day or two, or, as soon as the binding can be done. The other is being printed as fast as possible. The services of two persons are required in collecting facts and preparing the accompanying historical sketches, and in reading the proof sheets of the entire work.

Many of the records of the non-commissioned officers and privates (altogether not less than two hundred and fifty thousand names), are defective, in not showing *what became of the men*. Probably there are thirty thousand cases of this kind, arising from the fact that no records of the early organizations, except the muster-in rolls, were filed in this office, and even all of these are not on file. Muster-out rolls, *which account for each soldier*, were not furnished prior to the month of April last. Through the courtesy of officers formerly con-

nected with the organizations alluded to, the rolls of the office have been perfected and increased largely during the year.

It has been my aim to make these records full and complete, and to publish, as required by the resolution of your honorable body, passed last session, a faithful and accurate military history of *each officer and soldier* from this State during the whole time he may have been connected with the service. The missing data I hope to procure from the War Department, in time for insertion in regular order in the proper volumes of the Official Report. Up to this time, the labors devolving on the War Department have prevented the officers in charge from furnishing copies of records so extended as these. In the meantime, the records that are complete, are being arranged and transcribed for publication.

In addition, I have in preparation, and will complete as soon as the regiments remainig in service are mustered out, a full report of all the facts and documents relating to recruiting and organizing troops, enrollments, quotas, credits and drafts, local bounties, relief to soldiers' families, organization and services of the Indiana Legion, services of Minute Men during the Morgan raid, State arms, expenditures by the State on account of the war, list of deaths in rebel prisons, and of soldiers buried at Gettysburg, and on other battle-fields, the aggregate of troops raised, and of deaths, discharges for disability and desertions, with other valuable and interesting facts worthy of preservation.

Many thousand soldiers have been discharged or mustered out at hospitals, or while absent from their commands, on detached service; portions of regiments and companies have been discharged in detachments, by means of expiration of terms of service, and other portions have been assigned and transferred to other regiments, to complete the terms of their enlistment. To keep trace of these classes of troops, and perfect their records, has been a work of no small magnitude and labor, but its importance must be apparent to every one.

In adjusting every claim, it is not only necessary to produce official evidence of the muster-in of the soldier, but it is also essential to show his military service and history—as for instance: the date and cause of death, discharge or muster-out, &c. When a regiment is discharged, evidence to procure pensions, back pay, &c., is furnished from this office; while in the field it is given by the regimental and company commanders. Applications for evidence of this character from discharged soldiers and from the friends, relatives and repre-

sentatives of deceased soldiers, as well as from the pension office and Bureaus of the Treasury Department at Washington, are being made constantly, without any prospect of a decrease for months to come.

From the work occasioned by the muster out of a single regiment, a general idea may be formed of the labor required by the muster-out of eighty-six regiments and twenty-four batteries since the middle of June last. A regiment usually requires about two hundred separate official certificates from the records of this office to enable the officers and men to draw their mileage, pay, bounties, &c. These can only be made up from careful examination of the records and files, and frequently several days are required to complete them for a single regiment.

The business appertaining to correspondence, personal inquiries, regiments in the field, keeping up records and other matters innumerable comprising "the ordinary and regular work," has been constant and heavy and must so continue for a year at least.

The final settlement of affairs connected with the *Indiana Legion*, and the adjustments of accounts for *arms received from the general government* has required considerable time and labor and is only partially completed. These matters are of very great importance to the State, and cannot, with safety, be postponed.

Important business relating to *Indiana War Claims* required my presence at Washington for about three weeks in June and July last, and one of my clerks was also there for about the same length of time attending to important business connected with the interests of *Indiana troops* belonging to *General Sherman's Army*. These trips of course retarded the business of the office and increased its expenses.

The adjustment of the *War Claims* of the State filed against the general government, amounting to over \$2,000,000, has been intrusted by the Governor, to the Auditor of State and myself, and this duty will probably require me to spend a portion of my time during the coming year in Washington.

For a more extended account of the transactions during the past year, and of the work remaining to be done, reference is hereby made to my communication, presented to the Legislature, with the Governor's Message, at the present session, a copy of which is hereto appended.

In conclusion, I respectfully suggest that the Military Committee of the House, in conjunction with the Military Committee of the Sen-

ate, or at least the Chairmen thereof, be directed to thoroughly examine this office, and make such recommendations as they may deem for the best interests of the public service.

Respectfully submitted,

W. H. H. TERRELL,
Adjutant General Indiana.

Expenditures from Fund appropriated for the Adjutant General's Office, for the year 1865.

BY WHOM DRAWN.	SERVICE.	AMOUNT.
Solomon Beard.....	Boarding Orderly (a soldier) ...	\$12 15
L. B. Wilson.....	Clerk, Jan., Feb. and March...	300 00
Robert Ewald	Clerk, Jan., Feb. and March...	300 00
L. M. Terrell.....	Clerk, Jan., Feb. and March...	300 00
John G. Burrill.....	Clerk, Jan., Feb. and March...	300 00
A. H. Brown.....	Clerk, Jan., Feb. and March...	450 00
G. W. Dunn	Clerk, Jan., Feb. and March...	450 00
Edward P. Howe.....	Clerk, Jan., Feb. and March...	450 00
W. H. H. Terrell.....	In'd't'l exp's, Jan. 1 to Ap'l 17	60 10
A. H. Brown.....	Clerk, April.....	150 00
G. W. Dunn	Clerk, April.....	150 00
Edward P. Howe	Clerk, April.....	150 00
Robert Ewald....	Clerk, April	100 00
L. B. Wilson.....	Clerk, April.....	75 00
L. L. Burke	Clerk, March 16 to April 30...	153 33
John G. Burrill.....	Clerk, April	100 00
L. M. Terrill.....	Clerk, April.....	100 00
John James.....	Messenger, Jan., Feb. and March	75 00
John James.....	Messenger April.....	25 00
R. I. Morehead.....	Expenses visiting camps.....	40 50
Edward P. Howe	Clerk, May.	150 00
Edward P. Howe.....	Expenses to Washington.....	150 00
Robert Ewald	Clerk, May.....	100 00
A. H. Brown.....	Clerk, May, 1865.....	150 00
G. W. Dunn.....	Clerk, May, 1865...	150 00
L. M. Terrell.....	Clerk, May, 1865.....	100 00
L. L. Burke.....	Clerk, May, 1865.....	100 00
L. B. Wilson.....	Clerk, May, 1865.....	75 00
John G. Burrill.....	Clerk, May 1st to the 11th.....	36 65
G. W. Joseph.....	Clerk, May 9th to the 31st	76 67
John James.....	Messenger, May, 1865..	25 00
L. L. Burke.....	Clerk, June, 1865.....	100 00
G. W. Joseph.....	Clerk, June, 1865.....	100 00

*Exdenditures from Fund appropriated for the Adjutant General's
Office for the year 1865—Continued.*

BY WHOM DRAWN.	SERVICE.	AMOUNT.
Robert Ewald.....	Clerk, June, 1865.....	\$100 00
W. H. H. Terrell.....	Office expenses, April to July..	20 20
L. M. Terrell.....	Clerk, June, 1865.....	100 00
G. W. Dunn.....	Clerk, June, 1865.....	150 00
Edward P. Howe.....	Clerk, June, 1865.....	150 00
A. H. Brown.....	Clerk, June, 1865.....	150 00
L. B. Wilson.....	Clerk, June, 1865.....	75 00
John James.....	Messenger, June, 1865.....	25 00
W. H. Gorham.....	Awnings for office windows....	50 00
Edward P. Howe.....	Clerk, July, 1865.....	150 00
L. M. Terrill.....	Clerk, July, 1865.....	100 00
Hume, Adams & Co.....	Oil cloth for office..	15 00
G. W. Dunn.....	Clerk, July, 1865.....	150 00
L. B. Wilson.....	Clerk, July, 1865.....	75 00
G. W. Joseph.....	Clerk, July, 1865.....	100 00
J. M. Morton.....	Clerk, July, 1865.....	75 00
Robert Ewald.....	Clerk, July, 1865.....	100 00
Isaac P. Smith.....	Clerk, July, 1865.....	70 00
John James.....	Messenger, July, 1865.....	25 00
A. H. Brown.....	Clerk, July, 1865.....	150 00
A. H. Brown.....	Clerk, August, 1865.....	150 00
Edward P. Howe.....	Clerk, August, 1865.....	150 00
George W. Dunn.....	Clerk, August, 1865.....	150 00
Robert Ewald.....	Clerk, August, 1865.....	100 00
G. W. Joseph.....	Clerk, August, 1865.....	100 00
L. B. Wilson.....	Clerk, August, 1865.....	75 00
Isaac P. Smith.....	Clerk, August, 1865.....	75 00
L. M. Terrell.....	Clerk, August, 1865.....	50 00
John James.....	Messenger, &c.....	35 00
W. H. H. Terrell.....	Expenses of office.....	74 00
Edward P. Howe.....	Clerk, September, 1865.....	150 00
A. H. Brown.....	Clerk, September, 1865.....	150 00
G. W. Dunn.....	Clerk, September, 1865.....	150 00
Robert Ewald.....	Clerk, September, 1865.....	100 00
G. W. Joseph.....	Clerk, September, 1865.....	100 00
Theo. F. Orner.....	Clerk, August, 1865.....	60 00
Theo. F. Orner.....	Clerk, September, 1865.....	66 66
Isaac P. Smith.....	Clerk, September, 1865.....	75 00
L. B. Wilson.....	Clerk, September, 1865.....	75 00
F. W. Morse.....	Clerk, August, 1865.....	133 00
L. M. Terrell.....	Clerk, September, 1865.....	33 33
John James.....	Messenger, &c., Sept., 1865.....	35 00

*Expenditures from Fund appropriated for the Adjutant General's
Office for the year 1865—Continued.*

BY WHOM DRAWN.	SERVICE.	AMOUNT.
Levi Daniels.....	Cases for paper, painting, &c...	\$338 50
W. H. H. Terrell.....	Incidental expenses of office ...	100 00
G. W. Joseph.....	Clerk, October, 1865.	100 00
Isaac P. Smith.....	Clerk, October, 1865.....	75 00
Edward P. Howe.....	Clerk, October, 1865.....	150 00
L. B. Wilson.....	Clerk, October, 1865.....	75 00
E. M. B. Hooker	Clerk, Sept. and Oct., 1865.....	140 00
Theo. F. Orner.....	Clerk, October, 1865.....	100 00
F. M. Morse.....	Clerk, October, 1865.	100 00
L. M. Terrell.....	Clerk, October, 1865.....	66 65
A. H. Brown.....	Clerk, October, 1865....	150 00
G. W. Dunn.....	Clerk, October, 1865.....	150 00
John James.....	Messenger, &c., October, 1865.	35 00
W. A. Terrell....	Clerk, Sept. and Oct., 1865.....	112 50
Robert Ewald.....	Clerk, October, 1865....	100 00
L. B. Wilson	Clerk, October, 1865.....	75 00
W. A. Terrell.....	Clerk, November, 1865.	75 00
G. W. Joseph.....	Clerk, November, 1865	100 00
John James.....	Messenger, &c., Nov'ber, 1865.	35 00
E. M. B. Hooker	Clerk, November, 1865.....	100 00
Robert Ewald.....	Clerk, November, 1865..	100 00
Theo. F. Orner.....	Clerk, November, 1865.	100 00
George W. Dunn	Clerk, November, 1865.....	150 00
F. W. Morse	Clerk, November, 1865.	100 00
A. H. Brown.....	Clerk, November, 1865.	150 00
Edward P. Howe.....	Clerk, November, 1865.....	150 00
Isaac P. Smith.....	Clerk, November, 1865.	75 00
		<hr/> \$11,974 24

Mr. Brown of Wells, moved to refer the communications to the Committee on Finance.

Which was agreed to.

The hour having arrived for the special order,

The Senate proceeded to the consideration of House Bill No. 158.

The question being on concurring in the amendments offered by Mr. Vawter.

Mr. Cobb moved to lay the amendments on the table.

Messrs. Vawter and Noyes damended the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dunning, Dykes, English, Finch, Gifford, Hanna, Hord, Jinkens, Marshall, Mason, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson and Van Buskirk—33.

Those who voted in the negative were,

Messrs. Allison, Bonham, Cason, Chapman, Culver, Fuller, Noyes, Vawter, Ward and Woods—10.

So the amendments lie on the table.

The question being on concurring in the report of the Committee. It was concurred in.

Mr. Cobb moved that the amendments proposed by the Committee, and bill be considered as engrossed, and read a third time now.

Which was agreed to.

Mr. Hord moved to recommit the bill and report to the select committee on that subject, with instructions.

Pending which,

Mr. Bennett moved the previous question,

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on the motion to recommit.

It was not agreed to.

House bill No. 158, entitled. An act to secure a just valuation and taxation of all railroad property within this State and to legalize the valuation, assessment, adjustment and payment of taxes for such property made subsequent to the year 1859.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker Beeson Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Gifford, Hanna, Marshall, Mason, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry-Thompson and Mr. President—30.

Those who voted in the negative were,

Messrs. Allison, Bonham, Cason, Chapman, Downey, Fuller, Hord, Jinkens, Noyes, Van Buskirk, Vawter, Ward and Wright—13.

So the bill passed.

The question being,

Shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Brown of Wells, moved to take up House bill No. 125.

Which was not agreed to.

Message from the House by Mr. Nixon, their clerk.

MR. PRESIDENT:

I am directed by the Speaker of the House of Representatives, to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit:

Enrolled act No. 106. An act authorizing the construction of warehouses, for the inspection, storage and sale of tobacco.

Enrolled act No. 78. An act to provide for the sale of certain lands belonging to the State of Indiana, in the counties of Jasper and Newton, and to give pre-emption to actual settlers thereon.

To which said enrolled acts, the signature of the President of the Senate, is respectfully requested.

Mr. Richmond, from the Committee on County and Township Business, made the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was

referred House bill No. 124, entitled "An act regulating fees of officers, and repealing former acts in relation thereto," approved March 2d, 1855, have had the same under consideration, and have directed me to report the bill back to the Senate, with the recommendation that it do pass.

Which report was concurred in.

House bill No. 124 was read a second time and passed to a third reading.

Mr. Van Buskirk, from the Committee on Education, made the following report :

MR. PRESIDENT :

The Committee on Education, to whom was referred House bill No. 22, entitled "A bill to legalize the sales of certain school lands in Lake county," have had the same under consideration, and have instructed me to report it back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

House bill No. 22, was read a second time and passed to a third reading.

Mr. Cullen asked and obtained leave to introduce

Senate bill No. 304. An act repealing sections 38, 39, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 of an act entitled "An act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved March 17, 1852, and providing for the business of mutual fire insurance companies, and prescribing the time within which the same shall be done.

Senate bill No. 304 was read a first time and passed to a second reading.

Mr. Moore, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Kindler and Isensee, dated November 18, 1865, amounting to twenty-

seven dollars and ninety cents, for the repair of locks and keys, have had the same under consideration, and direct me to report the same back to the Senate and recommend that it be referred to the Committee on Finance and allowed.

Which report was concurred in.

Mr. Hanna asked and obtained leave to introduce

Senate bill No. 305, entitled "An act in relation to the laying out and opening of public highways :

Senate bill No 305, was read a first time and passed to a second reading.

Mr. Oyler, from the Committee on the Organization of Courts, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 275, offered by Senator Richmond, entitled " A bill providing for extending the term of Circuit Courts by adjournment, calling special terms, and providing compensation to judges," have had the same under advisement, and having duly considered the same, have instructed me to report the same back to the Senate with the following amendments :

Strike out the 2d section of said act.

Strike out the figures " 3 " and " 4," as applied to the section, and insert " 2 " and " 3."

Strike out of 4th section all after the word " immediately," in the last line of said section ; and when so amended recommend its passage.

Which report was concurred in.

Senate bill No. 275 was read a second time and passed to a third reading.

Mr. Niles asked and obtained leave to introduce

Senate bill No. 306. An act in relation to the vacation of streets in cities,

Senate bill No. 306 was read a first time and passed to a second reading.

Mr. Moore from the Committee on Claims asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on Claims to whom was referred the claim of Wilkens & Hall, dated November 25, 1865, amounting to twenty-one dollars, for the repair of chairs for the Senate, "have had the same under consideration and direct me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allow it.

Which report was concurred in.

Mr. Cullen, from the Committee on Canals and Internal Improvements, asked and obtained leave to introduce the following report :

MR. PRESIDENT :

The Committee on Canals and Internal Improvements to whom was referred House bill No. 126 entitled "a bill to amend section 5 of an act entitled 'an act to authorize the construction of levies and drains.' " Approved June 12, 1852. Have had the same under consideration, and have directed me to report the same back to the Senate without amendment, with the recommendation that the bill pass.

Which report was concurred in.

House bill No. 126 was read a second time and passed to a third reading.

Mr. Brown of Hamilton moved to take up Senate bill No 299.
Which was agreed to.

Senate bill No. 299 was read a second time by title, and, on motion by Mr. Brown of Hamilton, it was referred to the Committee on Roads.

Mr. Brown of Wells introduced the following resolution :

Resolved, That the Auditor of State be requested at as early day

as possible, to report to this Senate a correct list of claims which was allowed by the last session, and remained unpaid.

Which resolution was adopted.

Mr. Richmond, from the Committee on Claims, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claims of A. Stahl, Wm. Gable, and A. B. Jetmore, against the State of Indiana for mileage and attendance fees as witnesses before the House Committee of the session of 1863, an arbitrary arrest, amounting, in the aggregate, to \$99 00; have had the same under consideration, and have directed me to report said claims back to the Senate, with the recommendation that they be allowed and referred to the Committee on Finance.

Which report was concurred in.

Mr. Allison moved to take up House bill No. 212.

Which was agreed to.

House bill No. 212, entitled a bill to legalize the appraisement of the real estate made under the provisions of the act entitled "An act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved December 21st, 1858.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were.

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Chapman, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Gifford, Jinkens, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—35.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Marshall moved to take up Senate bill No. 304.
Which was agreed to.

Senate Bill No. 304, was read a second time by title, and,
On motion,
Referred to the Committee on Corporations.

Mr. Noyes, from the Committee on Claims, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claims of George H. Murphy for one thousand eight hundred and seventeen dollars and forty-eight cents, have had the same under consideration. and have directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance, and that nine hundred and fifty-two dollars and forty-eight cents of the above claim be allowed.

Which report was concurred in.

Mr. Noyes, from the Committee on Claims, asked and obtained leave to introduce the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claims of W. & J. Braden, for books furnished the Secretary of the Senate, amounting to eighteen dollars and eighty cents, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance and allowed.

Which report was concurred in.

Mr. Richmond moved to take up Senate bill No. 301.
Which was agreed to.

Engrossed Senate bill No. 301, entitled "An act in reference to public buildings, of counties and grounds belonging thereto, and pre-

scribing the duties of county boards and sheriffs with reference to the same."

Was read a second time and passed to a third reading.

On motion by Mr. Cullen,
The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
December 12, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,

On motion by Mr. Gifford,
The further reading was dispensed with.

Mr. Oyler moved a call of the Senate.
Which was agreed to.

Pending the call,
Mr. Cobb asked and obtained leave of absence for Mr. Williams.

Those who answered to their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Staggs, Terry, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—39.

Mr. Oyler moved that the absentees be sent for.
Which was agreed to.

Mr. Moore, from the Committee on Railroads, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Special Committee, to whom was referred Senate resolution No. 26, relative to regulating the fare on railroads, have had the

same under consideration, and direct me to report the same back with the following bill, entitled "An act regulating the fare to be charged by railroad companies in this State for the transportation of passengers over their roads, and providing the remedy for all violations thereof," which they recommend do pass.

Which report was concurred in.

Senate bill No. 307, was read a first time and passed to a second reading.

Mr. Beeson, from the Committee on Finance, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House Joint Resolution for the relief of George W. Archer, refunding to him the purchase-money and interest thereon paid for certain real estate sold as swamp lands by the State, when the title was in one Michael John, have had the same under consideration, and have directed me to report the same back to the Senate, without amendment, and recommend its passage.

Which report was concurred in.

House Joint Resolution No. 11, was read a second time and passed to a third reading.

Mr. Cason asked and obtained leave to offer the following resolution:

WHEREAS, That on yesterday, when the 2d volume of the Adjutant General's Report was laid upon the desks of Senators, they were perfectly surprised at the voluminous character of the work, and by what authority the same was ordered: Therefore,

Be it resolved, That a committee of three be appointed to make inquiry by what authority these publications were made, the number of volumes, and the probable cost of the same, and report their proceedings to the Senate at as early a day as possible, and that the committee be authorized to ascertain and report to the Senate the name of the person who brought into the Senate the resolution ordering said publication.

Which resolution was adopted.

The President appointed the following Select Committee on the foregoing resolution :

Messrs. Cason, Cobb and Beesen.

Mr. Vawter moved to dispense with the further call of the Senate.
Which was not agreed to.

Mr. Van Buskirk moved to dispense with the further call of the Senate.

Which was agreed to.

The hour having arrived for the special order, the Senate proceeded to the consideration of Senate bill No. 219.

Mr. Downey offered the following amendment.

Provided : That no negro or mulatto, who has come, or shall hereafter come into this State, in violation of the 13th Article of the constitution of the State, shall, while said article continues in force, be competent to testify as a witness, in any case, in which a white person shall be a party in interest.

Mr. Mason moved to lay the bill and report on the table.

Pending which,

Mr. Cullen moved a call of the Senate.

Which was agreed to.

Pending which,

Leave of absence was granted to Mr. Van Buskirk.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bennett Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Carson, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter and Ward—43.

Mr. Bennett moved to suspend the fuather call.

Which was agreed to.

Mr. Oyler moved to postpone the further consideration of the order until Friday morning next, at 9 o'clock.

Mr. Hord moved to amend by postponing until Friday morning week, at 9 o'clock.

Mr. Cullen moved to lay the amendment on the table.

Messrs. Cullen and Hord demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright, and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin and Staggs—22.

So the amendment lies on the table.

Mr. Cobb moved to postpone until Friday two weeks at 9 o'clock.

Mr. Cullen moved to lay the motion on the table.

Messrs. Cullen and Cobb demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin and Staggs—21.

So the motion lies on the table.

The question recurring on Mr. Oyler's motion,

Mr. Brown of Wells moved to lay the motion on the table.

Messrs. Brown, of Wells, and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin and Staggs—23.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright, and Mr. President—22.

So the motion lies on the table.

Mr. Beeson moved to reconsider the vote just taken.

Which was agreed to.

The question being on the motion to lay Mr. Oyler's motion on the table,

Messrs. Brown, of Wells, and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin and Staggs—22.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—23.

So the motion was not laid on the table.

The question recurring on Mr. Oyler's motion,

Messrs. Vawter and Richmond demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—23.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin and Staggs—22.

So the motion was agreed to.

Mr. Cason offered the following resolution :

WHEREAS, At the last session of the Senate the following resolution was passed, viz. :

“Resolved, That twenty-five hundred copies of the report of the Adjutant General of Indiana be printed for the use of the members of the Senate :”

AND WHEREAS, It was the understanding of the members of the Senate that the report of said Adjutant General was the report of last winter, and was to be of the ordinary size, and of the usual form.

AND WHEREAS, It turns out that said report is to be in several large sized bound volumes: Therefore,

Be it resolved, That said resolution be rescinded and repealed.

Which, on motion by Mr. Cason,
Was laid on the table.

Mr. Bennett moved to suspend the previous order, and take up Senate bill No. 177.

Which was agreed to.

The question being on the passage of the bill.

Pending which,

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is respectfully asked.

Engrossed House bill No. 277, a bill to amend sections two and five of an act, entitled "An act providing for an organization of Circuit Courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852, and providing for criminal and civil Circuit Courts.

Engrossed House bill No. 278. A bill creating the 16th Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney thereof, and declaring its jurisdiction, and providing for a transfer of actions thereto.

Engrossed House bill No. 279. A bill to amend sections nine and ten of an act, entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions."

Engrossed House bill No. 280. A bill to amend section 14 of an act, entitled "An act to limit the grand jurors, and to point out the mode of their selection; defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4th, 1852.

Engrossed House bill No. 300. A bill to amend section 19 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State," approved June 17th, 1852.

The question recurring on the passage of Senate bill No. 177,

Mr. Oyler moved the previous question.

Which was seconded by the Senate.

The question being,

Shall the main question be now put ?

It was so ordered.

The question being on the passage of the bill,
Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cullen, Culver, Douglas, Dykes, Gifford, Hanna, Hord, McClurg, Mason, Newlin, Niles, Oyler, Reagan, Richmond, Thompson, Ward, Woods, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Bradley, Carson, Cobb, Corbin, Davis, Downey, English, Finch, Fuller, Jinkens, Marshall, Milliken, Moore, Staggs, Terry and Vawter—19.

So the bill passed.

The question being,
Shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Niles moved to take up Senate bills Nos. 305 and 306.
Which was agreed to.

Senate bill No. 305 was read by title, and on motion by Mr. Niles, was referred to the Committee on Roads.

Senate bill No. 306 was read by title, and on motion by Mr. Niles, was referred to the Committee on Corporations.

Mr. Hord moved to refer the papers concerning the relief of Mr. Alfred Williams, late Treasurer of Brown county, to a select committee of three.

Which was agreed to.

The President appointed Messrs. Hord, Beeson and Cullen said committee.

Mr. Culver moved to take up Senate bill No. 248.
Which was agreed to.

Engrossed Senate bill No 248. An act to restrain certain animals therein named from running at large.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Culver, Davis, Newlin, Richmond and Woods—6.

Those who voted in the negative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Staggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—40.

So the bill did not pass.

Mr. Beeson moved to take up house bill No. 149.

Which was agreed to.

House bill no 149, entitled, a bill to enable the boards of directors of any incorporated turnpike company to change the time of holding the election of directors.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—45.

None voting in the Negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Richmond moved to take up Senate bill No. 301.
Which was agreed to.

Engrossed Senate bill No. 301. An act in reference to public buildings and the grounds belonging thereto, and prescribing the duties of County Boards and Sheriffs, with reference to the same.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—45.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Mason introduced the following:

WHEREAS, Thomas O. Barbour was a clerk of this Senate at the last term, and,

WHEREAS, The name of the said Barbour was omitted among the list of clerks who received pay for the first three days in organizing this Senate; therefore,

Be it resolved, That said Thomas O. Barbour be allowed the sum of five dollars per day for three days' service.

Which resolution was adopted.

Mr. English moved to take up House bill No. 125.
Which was agreed to.

House bill No. 125 was read a second time by title, and,

On motion by Mr. English,

Was referred to the Committee on County and Township Business.

Mr. Vawter offered the following instructions, to-wit :

Amend the first section by adding thereto the following proviso :
“Provided, That no such removal or location of a county seat shall be made, unless the same is removed at least three miles from its then location.

Amend by inserting before the word “election,” where it occurs in the second section, the word “Congressional.”

Which instructions were adopted.

On motion by Mr. Oyler,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

REPORTS FROM STANDING COMMITTEES.

Mr. Bonham, from the Committee on Claims, made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of Messrs Merrill & Co., for stationery furnished to the State Librarian, amounting in all to the sum of \$309.45, have had the same under consideration, and have instructed me to report the same back to the Senate, and recommend that it be allowed and referred to the Committee on Finance.

Which report was concurred in.

Mr. Noyes, from the Committee on Claims, offered the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of the Indianapolis Gaslight and Coke Company, amounting to \$65.70, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allowed.

Which report was concurred in.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 186, authorizing the payment of the semi-annual interest on the State debt, and providing for punishment for violation of this act, have had the same under consideration, and have instructed me to report the same back with the following amendment, and after being so amended, recommend its passage :

Strike out all of the 1st section after the word "that," and insert the 3rd section.

Strike out the 2d section.

Strike out all after the word "payable," in the seventh line of the 3d section.

Change section 4 to section 2, section 5 to section 3, and section 6 to section 4.

Amend the title as follows :

Strike out all after the word "act," of the first line, to the word "to," of the second line.

Strike out all after the word "debt," in the fifth line, to the word "as," in the sixth line.

Strike out all after the word "deed," of the seventh line, to the word "and," in the eighth line.

Mr. Cullen offered the following amendment:

“Not more than fifteen, nor less than five days.”

Which was adopted, and the report, as amended, concurred in.

House bill No. 186 was read a second time.

Mr. Brown of Wells, moved to recommit the bill and report to the select committee on State debts.

Which was not agreed to.

Mr. Cobb, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred claims of certain persons for attending as witnesses before the House Committee on Military arrests, as follows: William Frank, to six days' attendance, at \$3 per day, \$18; mileage from Blackford county, 150 miles, \$18; total amount, \$36. Hon. William Bonham, to six days' attendance, at \$3 per day, \$18; mileage from the county of Blackford, 150 miles, \$18—total amount, \$36. Have had the same under consideration, and have directed me to report the same back, and to recommend that they be allowed.

Which report was concurred in.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts, to whom was referred Senate bill No. 271, offered by Senator Douglas, entitled “an act to amend section 1 of an act entitled ‘an act authorizing Justices of the Peace, Notaries Public, Judges of Courts, Mayors of towns and cities, and Clerks of Circuit and Common Pleas Courts, to administer oaths generally, and County Auditors, in certain cases, and to legalize such as may heretofore have been administered by any of said officers,’” approved March 9, 1861, have had the same under advisement, and having duly considered the same, have instructed me to report the same back with the following amendments:

Amend the amended section by inserting before the words “that

Justices of the Peace," &c., the words "Be it enacted by the General Assembly of the State of Indiana."

Add an additional section, as follows :

"Sec. 2. Nothing in this act, or in the amendments, shall apply to any cause or action now pending in any of the Courts in this State, and all causes or actions now pending in this State are expressly excepted from this amendment."

And when so amended, the Committee recommend the passage of the bill.

Which report was concurred in.

Mr. Bennett, from the Committee on Military Affairs, made the following report :

MR. PRESIDENT :

The Committee on Military Affairs, to whom was referred a communication from _____, on the subject of the payment of bounties to the non-commissioned officers and privates of the 12th and 16th regiments of Indiana, in the service of the United States for one year, beg leave to report that they have had the same under consideration, and have directed me to report the accompanying joint resolution, entitled "A Joint Resolution in reference to bounties for the soldiers of the 12th and 16th Regiments Indiana Volunteers," on that subject, and recommend its passage.

Which report was concurred in.

Senate Joint Resolution No. 24 was read a first time.

Mr. Bennett raised the point of order, that a joint resolution may be properly passed as any other resolution, viz., on the first reading, with the exception that the ayes and noes be taken in accordance with the Constitutional provision on that subject.

Which point was sustained.

Message from the House by Mr. Nixon, their Clerk.

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to engrossed House bill No. 47, entitled as follows to-wit :

A bill to increase the powers of the Board of Sinking Fund Com-

missioners, and to authorize said board to loan any moneys belonging to said fund, and to invest any moneys belonging to said fund, in Indiana State Bonds or Stocks; and providing for the canceling of such bonds or stocks, and the re-issuing of new non-negotiable bonds or stocks payable to said fund.

I am further directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit:

Engrossed House bill No. 86. "An act giving the consent of the State of Indiana to, and authorizing the digging and constructing of a ditch or canal from the Little Calumet river to the Grand Calumet river, both in Lake county in this State, and requiring the Attorney General to defend such suits or actions at law, as may be brought against the parties who may be prosecuting said works."

In which the concurrence of the Senate is respectfully requested.

The question being on the passage of Senate Joint Resolution No. 24,

Shall the resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—43.

None voting in the negative.

So the joint resolution passed.

The question being, shall the title of the resolution stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Reagan, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill

No. 306, entitled "An act in relation to the vacation of streets in cities, have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Engrossed Senate bill No. 306, entitled an act in relation to the vacation of streets in cities,

Was read a second time and passed to a third reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Milliken, from the select committee on the subject of the World's Fair, made the following report:

MR. PRESIDENT:

The select committee, in relation to the Universal Exposition at Paris, France, in 1867, to whom was recommitted Senate bill No. 280, have instructed me to report said bill back and recommend that section 2 be amended so as to read "three thousand dollars" instead of "five thousand dollars," and when so amended, recommend its passage.

Which report was concurred in.

Engrossed Senate bill No. 280, relative to the Universal Exposition, at Paris, France, in 1867; having been read a third time.

The question being on the passage of the bill.

Mr. Bennett moved to recommit the bill.

Mr. Bonham moved the previous question.

Which was seconded by the Senate.

The question being,

Shall the main question be now put?

It was so ordered.

The question recurring on the motion to recommit.

Messrs. Hanna and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Brown of Hamilton, Cullen, Downey, English, McClurg, Niles, Vawter, Wright and Mr. President—11.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Milliken, Moore, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward and Woods—33.

So the bill was not recommitted.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Beunett, Bonham, Brown of Hamilton, Cason, Chapman, Corbin, Culver, Davis, Downey, Dykes, McClurg, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Vawter, Ward, Woods and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Cullen, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, Moore, Staggs and Wright—19.

So the bill did not pass for want of a constitutional majority.

Mr. Cason, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 224, introduced by Mr. Bonham, entitled an act to amend section seventy-six of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," have had the same under consideration, and have directed me to report the same back and recommend that it lie upon the table.

Which report was concurred in.

Mr. Wright, from the Committee on roads made the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred Senate bill No.

305, an act in relation to the laying out and opening of public highways, have instructed me to report the same back and recommend its passage.

Which report was concurred in.

Senate bill No. 305, was read a second time and passed to a third reading.

Mr. Bennett, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate bill No. 270, entitled an act to amend sections 8 and 10 of an act, entitled "An act regulating the fees of officers," &c., have had the same under consideration, and have instructed me to report the same back and recommend its passage without amendment.

Which report was concurred in.

Senate bill No. 270 was read a second time and passed to a third reading.

REPORTS FROM SELECT COMMITTEES.

Mr. Moore, from the select committee on Senate bill No. 263, made the following report :

MR. PRESIDENT :

The committee, to whom was referred Senate bill No. 263, a bill to repeal an act, entitled "An act to discourage the keeping of useless and sheep-killing dogs," have had the same under consideration, and a majority of said committee have directed me to report it back to the Senate and recommend that it do pass.

Mr. Wright, from the select committee on Senate bill No. 263, made the following minority report :

MR. PRESIDENT :

The minority of the committee, to whom was referred Senate bill No. 263, entitled an act to repeal an act, entitled "An act to discourage the keeping of useless and sheep-killing dogs," &c., would respectfully report that they cannot agree with the majority in recom-

mending the repeal of said act: 1st. That they do not wish to protect useless and sheep-killing dogs, because it is necessary to get rid of them for the protection of those citizens who are engaged in keeping sheep. 2d. That dogs have become so numerous the legislation on the above act is necessary to rid the State of the class of dogs enumerated in said act: They, therefore, would recommend that the bill be laid on the table and no further action be had thereon.

The question being on concurring in the minority report,

Mr. Dunning (Mr. Chapman in the Chair) moved to lay the report on the table.

Messrs. Dunning and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker Bennett, Bowman, Bradley, Brown of Hamilton, Cobb, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, Moore, Newlin, Staggs, Vawter and Mr. President—19.

Those who voted in the negative were,

Messrs. Beeson, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Downey, Hanna, Hyatt, McClurg, Milliken, Niles, Noys, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—24.

So the report was not laid on the table.

Mr. Beeson moved to concur in the report.

Messrs. Beeson and Corbin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dykes, Hanna, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—27.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bowman, Bradley, Cobb, Culver, English, Finch, Fuller, Gifford, Hord, Jinkens, Moore, Staggs, Vawter and Mr. President—16.

So the report was concurred in.

On motion,
The Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }
December 13, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,

On motion by Mr. Oyler,

The further reading was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Thompson offered the following petition :

A petition praying for the amending of an act entitled "an act to amend an act entitled 'an act authorizing the construction of plank, macadamized, and gravel roads, and to empower the same to make sale of a portion of their roads,'" approved February 28, 1865.

Which, on motion, was referred to the Committee on Roads.

Message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is requested :

Resolved, That there be a Committee of three on the part of the House, to act with a like Committee on the part of the Senate, in relation to the printing of the Adjutant General's Report, under the resolution of the House, adopted on the 4th of March, 1865, and that they report to this House the number of volumes, and the cost of the same, and such other information as may be necessary for the action of this House in reference thereto.

And that the Speaker has appointed Messrs. Branham, Henricks and Cowgil, on such committee on the part of the House.

I am also directed to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

Engrossed House bill No. 285. A bill to provide a State Debt Sinking Fund for the payment of the principal and interest of the

War Loan Bonds, and five and two and one-half per cent. stocks of the State therein named, prescribing the duty of the Auditor, Treasurer and Agent of State, in relation thereto, providing for a clerk of said sinking fund, and fixing his salary, and providing a penalty for the violation of its provisions, and declaring an emergency for the immediate taking effect of the same.

I am directed by the Speaker of the House to inform the Senate that he has signed the following enrolled act of the House of Representatives, to-wit:

Enrolled act No. 47. An act to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said board to loan any moneys belonging to said fund, and to invest any moneys belonging to said fund in Indiana State bonds or stocks; and providing for the cancelling of such bonds or stocks, and the reissuing of new non-negotiable bonds or stocks, payable to said fund.

Enrolled act No. 149. An act to enable the Board of Directors of any incorporated turnpike company to change the time of holding the election of Directors.

Enrolled act No. 177. An act to amend section 143 of an act entitled "an act amendatory of an act to provide for the publication of delinquent taxes," approved May 31, 1861.

Which enrolled acts are respectfully submitted to the President of the Senate for his signature thereto.

Mr. Van Buskirk moved to suspend the previous order, and take up that part of the message relating to the Adjutant General's Report.

Which was agreed to.

Mr. Van Buskirk moved to concur in the report.

Which was agreed to.

The President appointed the same committee that was appointed yesterday on that subject.

Mr. Corbin moved to suspend the previous order, and take up that part of the message relating to House bill No. 285.

Which was agreed to.

Mr. Corbin moved to suspend the rules, and read the bill a second time by title now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hanna Hyatt, Jinkens, McClurg, Mason, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—41.

Those who voted in the negative were,

Messrs. Carson, Fuller, Hord and Moore—4.

So the rules were suspended.

House bill No. 285 was read a second time by title.

Mr. Corbin moved to refer the bill to the select committee on the subject of the State debt.

Mr. Cason moved to amend by referring to the Committee on Finance.

Mr. Corbin moved to lay the amendment upon the table.

Messrs. Corbin and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Oyler, Richmond, Staggs, Van Buskirk and Mr. President—32.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bonham, Cason, Chapman, Hord, McClurg, Noyes, Reagan, Terry, Thompson, Vawter, Ward, Woods and Wright—15.

So the amendment lies upon the table.

The question recurring on Mr. Corbin's motion.

Messrs. Corbin and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Cullen, Culver, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jenkins, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Oyler, Richmond, Staggs, Van Buskirk, Vawter and Mr. President—33.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bonham, Cason, Chapman, Davis, Hord, Noyes, Reagan, Terry, Thompson, Ward, Woods and Wright—14.

So the motion was agreed to.

Mr. Woods offered a petition asking for the passage of a law requiring Boards doing county and township business, to give a bounty to all the volunteers of this State.

Which, on motion, was referred to the Committee on Military Affairs.

Mr. Gifford offered a petition praying for the passage of a law legalizing all bonds issued by County Boards for the purpose of procuring soldiers to suppress the late rebellion in the self-styled Confederate States.

Which, on motion, was referred to the Committee on the Judiciary.

Mr. Hyatt offered a petition praying for the repeal of an act for the relief of the families of soldiers, seamen and marines, approved March 4, 1865.

Which, on motion, was referred to the special committee on that subject.

Mr. Milliken offered a petition praying for the suppression of intemperance and sale of intoxicating liquors in this State.

Which, on motion, was referred to the Committee on Temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Wright, from the Committee on Roads, made the following report :

MR. PRESIDENT :

I am instructed by the Committee on Roads to make the following report :

The Committee have had Senate bill No. 251, entitled a bill to amend sections 14, 15 and 24, of an act entitled "an act to provide for the opening, vacating, and change of highways," approved June 17, 1852, under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Wright, from the Committee on Roads, made the following report :

MR. PRESIDENT :

I am instructed by the Committee on Roads, to whom was committed Senate bill No. 299, entitled an act supplemental to an act of the General Assembly of the State of Indiana, entitled "an act authorizing the construction of plank roads," approved May 12, 1852, to report the same back, and recommend that it lie upon the table.

Which report was concurred in.

Mr. Vawter offered the following resolution :

Resolved, That His Excellency, the Governor, be requested to furnish the Senate with a copy of the letter of Charles Butler to Governor Morton, on the subject of the State debt.

Which, on motion, was adopted.

SENATE BILLS ON FIRST READING.

Mr. Wright introduced

Senate bill No. 308. A bill to provide for the relief of persons or the heirs or assigns of persons who have made entries of lands

belonging to the United States as swamp lands belonging to the State, in cases where they have not been confirmed as such, or where otherwise the State was incompetent to make a good title, and who have paid the price thereof to officers of the State authorized to receive the same.

Which was read a first time and passed to a second reading.

Mr. Allison introduced

Senate bill No. 309. Entitled an act to amend the 8th and 45th sections of an act entitled "an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved February 14, 1848.

Mr. Bennett moved to suspend the rules and read the bill a second time, by title only, now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Finch, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods and Mr. President—37.

Those who voted in the negative were,

Messrs. English, Moore and Wright—3.

It was so ordered.

Mr. McClurg introduced

Senate bill No. 310. An act to amend sections one and two of an act entitled, "an act to enable the owners of wet lands to drain and reclaim them, when the same cannot be done without affecting the lands of others." Approved March 7, 1863.

Which was read a first time and passed to a second reading.

Mr. Wright introduced

Senate bill No. 311. An act to legalize sales by deputy sheriffs of real estate under execution, or by order of the Circuit Court, or

Court of Common Pleas, and to render valid the deeds made by said deputies in pursuance of such sales.

Which was read a first time and passed to a second reading.

Message from the Governor, by Mr. Jacobs, his Private Secretary.

On the report of the Hon. Joseph E. McDonald, commissioner to investigate the condition of the fraudulent 5 per cent. State stocks.

Mr. Dunning (Oyler in the chair) moved to refer the message to the Committee on Finance,

Which was agreed to.

Mr. Carson introduced

Senate bill No. 312. Entitled an act to amend the title of an act entitled "an act concerning licenses to vend foreign merchandise, exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, so as to embrace the subject of said bill, and matters properly connected therewith.

Mr. Carson moved to suspend the rules and read the bill a second time, by title, now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dykes, Finch, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Oyler, Reagan, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, and Mr. President—38.

Those who voted in the negative were,

Messrs. Allison, English, Noyes, and Wright—4.

It was so ordered.

Senate bill No. 312 was read a second time by title, and,

On motion,

Passed to a third reading.

Mr. Brown of Wells asked and obtained leave to introduce a Joint Resolution.

WHEREAS, It is the established policy of the Government of the United States not to interfere in the internal concerns of any trans-Atlantic power; and,

WHEREAS, We regard the forcible interposition of any trans-Atlantic power in the affairs of any of this hemisphere, as inimical to the institutions of our country, and dangerous to our national peace and happiness; therefore,

Resolved by the Senate, the House of Representatives concurring, That we hereby instruct our Senators and request our Representatives in Congress, to favor the use of all positive and necessary means in the resistance of such interposition, whether it be as auxiliary, stipendiary, for the purpose of conquest, or under any other form or pretext whatever.

Resolved, That a copy of the above preamble and resolution, over the signatures of the principal officers of the General Assembly, be communicated by His Excellency, the Governor, to our said Senators and Representatives.

Mr. Beeson moved to refer the joint resolution to the Committee on Federal Relations.

Which was agreed to.

Senate Joint Resolution No. 22. A Joint Resolution declaring in what manner the acts of the present session of the General Assembly shall be published and circulated in the various counties in order to cause the same to take effect.

Mr. Bennett moved to refer the Joint Resolution to the Committee on the Judiciary.

Which was agreed to.

Senate Joint Resolution No. 23. A Joint Resolution for the amendment of section 9, article 4, of the Constitution, so as to provide for annual sessions of the Legislature.

Mr. Bennett moved to refer the resolution to the Committee on the Judiciary.

Which was agreed to.

Engrossed Concurrent Resolution, concerning the Terre Haute and Richmond railroad.

Mr. Cason moved to refer the resolution to the Committee on the Judiciary.

Mr. Bennett moved to lay the motion and resolution upon the table.

Messrs. Corbin and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Douglas, English, Hanna, Noyes, Terry, Van Buskirk, Vawter and Ward—12.

Those who voted in the negative were,

Messrs. Allison, Barker, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dykes Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Oyler, Reagan, Richmond, Staggs, Thompson, Woods, Wright and Mr. President—32.

So the motion and resolution does not lie upon the table.

The question being on the motion to refer the resolution to the Committee on the Judiciary.

It was agreed to.

The President laid before the Senate a message from the Governor on the subject of the Charles Butler letter, in relation to the public debt of Indiana.

Mr. Chapman moved to refer the message and letter to the select committee on the subject of the State debt.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

House bill No. 285 was read a second time, and,

On motion by Mr. Dunning, (Mr. Oyler in the chair),

It was referred to a select committee, consisting of Messrs. Cobb, Moore, Herd, Oyler and Dunning.

Senate bill No. 286 was read a second time by title, and,
 On motion,
 Referred to the Committee on the Organization of Courts.

Senate bill 287 was read a second time by title, and,
 On motion,
 Referred to the Committee on the Organization of Courts.

Senate bill No. 288 was read a second time by title, and,
 On motion,
 Referred to the Committee on the Organization of Courts.

Senate bill No. 291 was read a second time by title, and,
 On motion,
 Referred to a special committee, consisting of Messrs. Marshall,
 Mason, Reagan, Brown of Hamilton and Bonham.

Senate bill No. 294 was read a second time by title, and,
 On motion,
 Referred to the Judiciary Committee.

Senate bill No. 296 was read a second time by title, and,
 On motion,
 Referred to the Committee on Corporations.

Senate bill No. 298 was read a second time by title, and,
 On motion,
 Referred to a special committee from the Judicial Circuit to which
 the bill has reference.

Senate bill No. 302 was read a second time by title, and,
 On motion,
 Referred to the Committee on Corporations.

Senate bill No. 303, entitled "an act to legalize and declare valid
 and effectual all the orders, judgments and other proceedings, made,
 rendered and had, by and before the Court of Common Pleas of
 Whitley county, in this State, held in the Court House in said county,
 in the month of March, 1865, and then and there before the regular
 Judge of said Court.

Was read a second time and passed to a third reading.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 281, entitled an act to amend an act entitled "an act to fix the amount of the salary of the State Librarian, and repealing all laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk," approved March 4, 1859,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Chapman, Cobb, Cullen, Davis, Dykes, English, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—36.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Downey, Finch, Fuller, Jinkens, Marshall, Mason, Moore, and Vawter—11.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 107, entitled an act authorizing certain persons therein named to dig and construct a certain canal.

Mr. Wright moved to recommit the bill to the Judiciary Committee.

Which was agreed to.

Engrossed Senate bill No. 174. An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act, repealing all laws inconsistent herewith, and declaring an emergency.

Was read a second time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Dykes, Hanna, McClurg, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, and Woods—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Cobb, Downey, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, Mason, Moore, Newlin, and Wright—17.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 218, entitled an act to amend an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs, approved March 11, 1861, and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled an act for the protection of sheep, approved June 18, 1852," approved March 2, 1865.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dykes, Fuller, Hyatt, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, English, Finch, Gifford, Jinkens, Marshall, McClurg, Mason, Moore and Staggs—14.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Cullen,

The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

The special order for 2 o'clock was postponed, by consent, until 3½ o'clock.

Mr. Downey offered the following resolution :

Resolved, That the Secretary of the Senate inform the House that House bill No. 47 was passed by the Senate as it came from the House, without any amendment thereof; and that if any amendment was believed by the House to have been made by the Senate, such belief was unfounded, and that the Senate regard the said bill as having legally passed both branches as the same was when it passed the House, and in that form will become a law on being signed by the Speaker of the House and President of the Senate, and approved by the Governor.

Mr. Cason offered the following amendment :

Amend so as to request the House, after having reconsidered their action, return the bill to the Senate for further action.

Mr. Bennett moved to lay the amendment upon the table.

Messrs. Bennett and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Brown of Wells, Carson, Cobb, Corbin, Cullen, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Oyler, Richmond, Staggs, Van Buskirk, Vawter and Mr. President—29.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bradley, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Hyatt, Milliken, Noyes, Niles Reagan, Terry, Thompson, Ward, Woods and Wright—19.

So the amendment lies upon the table.

Mr. Cullen moved to amend so as to send a copy of the resolution to the Governor.

Mr. Hanna moved the previous question,
Which was seconded by the Senate.

The question being, shall the main question be put?
It was so ordered.

The question being on Mr. Cullen's amendment,
It was agreed to.

The question being on the original resolution,
It was adopted.

Mr. Richmond moved to suspend the previous order,
Which was agreed to.

Mr. Richmond, from the Committee on County and Township Business, offered the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred House bill No. 125, entitled an act to amend sections 1 and 2 of an act entitled "an act to provide for the relocation of county

seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1865, have had the same under consideration, and have directed me to report said bill back to the Senate with the following amendments, and when so amended, the Committee recommend the passage of the bill:

Amend the first amendatory section by adding thereto: "*Provided*, That no such removal or relocation of a county seat shall be made unless the same is removed at least three miles from its then location."

Amend the second amendatory section by striking out the word "general," where it occurs before the word "relocation," and insert in lieu thereof the word "congressional."

Which report was concurred in.

House bill No. 125 was read a second time.

Mr. Noyes offered the following amendment:

After the word "considered," in the first proviso of the 2d section, insert these words, "*prima facie* evidence of."

Mr. Cullen moved to lay the amendment on the table.

Which was agreed to.

Mr. Noyes offered the following amendments:

Add another proviso to 2d section, as follows:

"*And provided further*, That any portion of the legal voters of such county may remonstrate against such remonstrance at any time before said petition is finally acted upon by the Boards of Commissioners, and the affidavit of any person or persons circulating such remonstrance, to the effect that the signatures to such remonstrances are eight or nine, and that the persons who signed the same are legal voters of such county, shall be *prima facie* evidence of the facts therein stated.

Mr. Brown of Wells moved to lay the amendment on the table.

Messrs. Brown of Wells and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Douglass, Oyster, Richmond, Staggs, Thompson, Vawter, and Mr. President—19.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brown of Hamilton, Chapman, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Terry, Van Buskirk, Ward, Woods and Wright—29.

So the amendment does not lie on the table.

The hour having arrived for the special order, the Senate proceeded to the consideration of House bill No. 40.

Mr. Culver offered the following amendment :

Amend by striking out "Monroe," and "Bloomington," and "Indiana," whenever it occurs, and insert the following :

"That the present Trustees, together with the Governor, or their successors in office, shall, within six months from the passage of this act, locate an Agricultural College within the county of Tippecanoe, Indian, provided the citizens of said county shall, within that time, donate for that purpose lands, not less than one hundred and fifty acres, at some point within said county which said Trustees may deem eligible and proper, and college building and grounds adjoins thereto.

Mr. Dunning (Mr. Richmond in the chair) demanded a division of the question.

The question being on striking out the words "Monroe, Bloomington, and Indiana University," wherever they occur.

Pending which,

Mr. Dunning (Mr. Richmond in the chair) moved to postpone the further consideration of the subject, and make it the special order for to-morrow, at 10 o'clock.

Which was agreed to.

On motion by Mr. Cullen,

The Senate adjourned.

THURSDAY MORNING, 9 o'clock, }
December 14, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the Journal, when,

On motion by Mr. Gifford,

The further reading was dispensed with.

The question being, at the last adjournment, on the amendment offered by Mr. Noyes to House bill No. 125,

Mr. Noyes offered the following communication :

OFFICE OF STATE LIBRARIAN, }
Indianapolis, Ind., Dec., 13, 1865. }

To the President and members of the Senate :

GENTLEMEN:—As I am required by a resolution of your honorable body to make a report of the stationery account of officers and members three days before the close of the session, it is desirable that those wanting stationery should supply themselves prior to that date, so that the report may be as complete as possible.

Respectfully yours,

B. F. FOSTER,

State Librarian.

Which was laid upon the table.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Dykes offered a remonstrance against the passage of an act for the repeal of the law authorizing the formation of Mutual Insurance Companies.

Mr. Dykes moved to refer the remonstrance to the Committee on Corporations.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Milliken, from the Committee on Rights and Privileges, made the following report :

MR. PRESIDENT :

The Committee on Rights and Privileges, to whom was referred House bill No. 147, entitled a bill to amend section 6 of an act entitled "an act regarding estrays and articles adrift," have had the same under consideration, and have instructed me to report back said bill and recommend that it lie upon the table, as, in their opinion, other legislation is not necessary on this subject.

Which report was concurred in.

Message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled act of the House of Representatives, to-wit :

Enrolled act No. 212, entitled "an act to legalize the appraisement of real estate made under the provisions of the act entitled 'an act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto,' approved December 21, 1858, and the assessment and levy of taxes made, and hereafter to be made, on such appraisement."

To which the signature of the President of the Senate is respectfully requested.

I am also directed by the House of Representative to inform the Senate that the House has passed the following preamble and resolution, in which the concurrence of the Senate is respectfully requested :

WHEREAS, The State Capitol buildings contain valuable records and archives of the State, the loss of which would be irreparable; therefore,

Be it resolved by the House of Representatives, the Senate concurring, That the Joint Committee on Public Buildings be, and they are

hereby instructed, to confer with the Governor, Adjutant General, Clerk of the Supreme Court and State Librarian, as to the present plan of guarding the Capitol buildings, and whether additional measures should be taken for the security of the public records and archives under their charge; and said Committee are directed to report by bill or otherwise.

The question recurring on the amendment to House bill No. 125, as offered by Mr. Noyes,

Mr. Noyes moved to recommit to the Judiciary Committee.

Mr. Cullen moved to lay the motion upon the table.

Messrs. Cullen and Noyes demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Cullen, Culver, Davis, Douglas, Downey, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Woods and Mr. President—34.

Those who voted in the negative were,

Messrs. Chapman, Dykes, English, Hord, Mason, Milliken, Moore, Noyes, Van Buskirk, Ward and Wright—11.

So the motion was laid upon the table.

The question being on the adoption of the amendment,

Messrs. Cullen and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Chapman, Dykes, English, Hord, Moore, Noyes, Van Buskirk, Ward and Wright—10.

Those who voted in the negative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen,

Culver, Davis, Douglas, Downey, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Woods and Mr. President—35.

So the amendment was not adopted.

Mr. Downey offered the following amendment :

Add to the 2d section the words: "*Provided*, That any person opposed to such relocation, may appear and defend against the application, and may controvert the facts, which the applicants are bound to prove, and for that purpose may show that any of the petitioners are not voters, or did not sign the petition, or have afterwards signed a remonstrance against the same; and the first of such signers of such remonstrance may be thrown *prima facie*, by the affidavit of any person who is a competent witness in other cases."

Mr. Brown, of Wells, moved to consider the bill and amendments as engrossed, and read a third time now.

Which was agreed to.

Senate bill No. 125, entitled "an act to provide for the relocation of county seats, and the erection of public buildings in counties in case of such relocation," approved March 2d, 1865,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, and Mr. President—41.

Those who voted in the negative were,

Messrs. Barker, Beason, English, Moore, Noyes, and Wright—6.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Van Buskirk moved to take up the message from the House on the subject of the Public Archives.

Which was agreed to.

Mr. Van Buskirk moved to concur in the message.

Which was agreed to.

Mr. Cullen, from the Joint Committee on State Debt, made the following majority report :

MR. PRESIDENT :

The Special Committee upon the State Debt, to whom was referred House bill No. 285, entitled "a bill to provide a State Debt Sinking Fund, for the payment of the principal and interest of the war loan bonds, and five, and two and a-half per cent. stocks, of the State therein named ; prescribing the duties of the Auditor, Treasurer and Agent of State in relation thereto ; providing for a Clerk of said Sinking Fund, and fixing his salary ; and providing a penalty for the violation of its provisions, and declaring an emergency for the immediate taking effect of the same," have had the same under consideration, and after due deliberation a majority of said Committee have instructed me to report the same back to the Senate with the following amendments, which they respectfully recommend be adopted by the Senate, as follows :

Strike out all of said bill, after the enacting clause, and insert the following as an amendment to the same :

"Section 1. *Be it enacted by the General Assembly of the State of Indiana*. That section four of an act entitled "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," approved January 19th, 1846, which reads as follows, to-wit: "Sec. 4. The stock created pursuant to this act shall be transferable only in the City of New York, on books to be provided for that purpose by the State, by the holder or holders thereof, or his, her, or their duly constituted attorney, and in pursuance of such rules as may be adopted, or may be

prescribed by law; but no transfer shall at any time be permitted, except on surrender and concealment of the outstanding certificates," be, and the same is hereby repealed, and the Indiana State Agency in the city of New York is hereby abolished, to take effect from and after the first day of January, 1867.

"Sec. 2. To justify the first section of this act, and to maintain inviolate the pledged faith of the State, it is hereby made the duty of the Governor, Secretary, Auditor and Treasurer of State to cause to be engraved and executed, in the usual manner, a sufficient number of bonds, with coupons attached, bearing interest at the rate of six per centum per annum, payable semi-annually, and redeemable in twenty years from and after the 19th day of January, 1866, or a shorter period, at the pleasure of the State, and at not to exceed their par value, and of denominations of five hundred and one thousand dollars each, and offer to the holders of the five per cent. registered stocks of the State, to substitute therein dollar for dollar for the same.

"Sec. 3. It is hereby made the duty of said officers of State to provide books, in which shall be kept a correct statement of all the stocks of the State, surrendered under the provisions of this act by the holders thereof, together with their numbers, denominations, date and name of the owners, and the agent or attorney surrendering the same. They shall also provide books, in which shall be kept a registry of the coupon bonds issued under this act, to whom delivered, their number and denominations, and the number of coupons thereto attached.

"Sec. 4. The stocks contemplated to be surrendered under the provisions of this act, shall be received and cancelled, and said bonds issued therefor, at the Agency, in the city of New York, by the Agent of State, or such other person or persons as the Governor may appoint, at any time after the 19th day of January, and before the 1st day of January, 1867; and immediately after the said last mentioned date, all the books and papers belonging to said Agency shall be sent to and deposited in the office of the Auditor of State by said Agent; and all furniture belonging to said Agency shall be sold by said Agent, and the money arising therefrom deposited in the office of the Treasurer of State; and from and after the said first day of January said stocks shall be surrendered, and bonds delivered, at the office of the Auditor of State.

"Sec. 5. From and after the 1st day of January, 1867, the interest on that portion of the public debt of the State, contemplated in this act, shall only be paid by the Treasurer of State, at his office, on

the presentation at his counter of the coupons then due, or the interest due on two and one-half per cent. stocks, held by the school fund.

“Sec. 6. To more effectually carry out the provisions of this act, it is hereby made the duty of the Governor of the State, immediately after the passage of this act, and prior to the said 19th day of January, to issue a proclamation to the creditors of the State, proposing to them the conditions and terms of this act.

“Sec. 7. The Board of Sinking Fund Commissioners, and all the officers connected therewith, are hereby abolished, from and after the 4th day of March, 1867.

“Sec. 8. All the monies and funds belonging to the people of this State, and not already invested in the stocks of the State, and known as the Sinking Fund, and all the other moneys and funds belonging to the people of this State, and not specially associated and needed for other purposes, be, and the same are hereby appropriated and directed to be used and invested in the redemption of the two and one-half per centum stocks of the State, until all of said two and one-half per centum stocks are fully redeemed, and afterwards in the other stocks and bonds of the State, at their market value. And all the property of whatever kind, both real and personal, belonging to said funds, or any of them, are hereby directed to be sold, on such terms, in such manner, and at such time as the said Sinking Fund Commissioners, during their continuance in office, and thereafter as the Governor, Auditor, Secretary and Treasurer of State shall deem for the best interest of said fund; and the moneys arising therefrom shall be invested in State stocks, or bonds of the State, as aforesaid; and after the said 4th day of March, 1867, the Board of Sinking Fund Commissioners shall surrender to the Auditor of State all the books and papers, stocks, bonds, mortgages, moneys, rights, credits, and effects, belonging to said fund, who shall provide a suitable place for their safe-keeping. From and after the last mentioned date it shall be the duty of the Governor, Auditor, Secretary and Treasurer of State to invest all moneys arising from mortgaged premises, and from other sources belonging to said fund, as fast as they are due, and collected, in said stock and bonds of the State.

“Sec. 9. It is hereby made the duty of the Auditor, on the 19th day of July and January of each year, to issue his warrant to the Treasurer of the State for the amount of interest due said school fund, on State stocks held by said fund, and also to clip from said bonds, held by said fund, the coupons then due, and surrender the same to the said Treasurer, taking his receipt for the amount of said

warrant and coupons; and the said Treasurer shall then proceed to disburse from the Treasury of State, for the use of said fund, an amount of money equal to said coupons, and in accordance with the law, and for the perpetual preservation of the principal of said school and trust funds, and for the punctual payment of semi-annual accruing interest thereon, for the purposes contemplated in the creation of said funds, the faith of the State is hereby irrevocably pledged.

“Sec. 10. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore take effect and be in force from and after its passage.”

Strike out the title of House bill No. 285, and in lieu thereof insert the following as the title of the bill:

“An act to abolish the Indiana State Agency in the city of New York, the Board of Sinking Fund Commissioners of this State and all the offices connected therewith, and to invest the monies belonging to said fund, and the State Debt Sinking Fund, in the stocks of the State, and to transfer the business of said Board of Sinking Fund to the offices of the Auditor and Treasurer of State; and also to provide for the adjustment of the debt of the State by issuing coupon bonds for the present five per cent. registered bonds of the State, and declaring an emergency to exist for the passage of this act.”

And, when so amended, they recommended the passage of the bill.

Mr. Chapman, from the Committee on State Debt, made the following minority report:

MR. PRESIDENT:

A minority of the special committee of one from each Congressional District, on the State debt, to whom was referred Senate bill No. 279, abolishing the State Agency in the city of New York, the Board of Sinking Fund Commissioners of this State, and all the offices connected therewith, and to invest the monies belonging to said Sinking Fund, together with the State Debt Sinking Fund and other funds, in the stocks and bonds of the State, and to transfer the business of said Board of Sinking Fund Commissioners to the offices of the Auditor and Treasurer of State; and for the issuing of coupon bonds for the present five per cent. registered stocks of the State; and also House bill No. 285, providing a State Debt Sinking

Fund for the payment of the principal and interest of the war loan bonds, and the two and one-half and five per cent. stocks of the State therein named, prescribing the duties of the Auditor, Treasurer, and Agent of State in relation thereto, providing for a Clerk of said Sinking Fund, and fixing his salary, and providing a penalty for violating its provisions, and declaring an emergency for the immediate taking effect of the same, have had the same under consideration, and recommend that the report of the majority of said committee on the same bills, with the amendments recommended by the majority of said committee to said House bill No. 285 do lie upon the table, and that further action on the same be indefinitely postponed; and they further recommend the passage of House bill No. 285, without amendments.

Mr. Oyler moved that when the Senate adjourn this afternoon it be to meet at 7 o'clock this evening.

Which was agreed to.

Mr. Cullen moved to make House bill No. 285 the special order for 7 o'clock this evening.

Which was agreed to.

The hour having arrived for the consideration of the special order, the Senate proceeded to consider House bill No. 40.

The question being on the adoption of Mr. Culver's amendment.

Mr. Niles moved to postpone the further consideration of the bill, and make it the special order for 2 o'clock this day.

Which was agreed to.

Mr. Vawter moved to take up bills on their third reading.

Which was agreed to.

Mr. Downey moved to take up House bill No. 63.

Which was agreed to.

House bill No. 63 was partially read and informally passed.

Mr. Allison moved to take up Senate bill No. 164.

Which was agreed to.

Senate bill No. 164, entitled "An act touching the disposition of lots, streets, alleys, public squares and grounds within the corporate

limits of any incorporated city of this State, heretofore vacated or hereafter to be vacated."

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Culver, Davis, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Van Buskirk, Ward, Woods, Wright and Mr. President—36.

Those who voted in the negative were,

Messrs. Corbin, Downey, Moore and Staggs—4.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered That the Secretary inform the House thereof.

Mr. Oyler, from the Committee on Elections, asked and obtained leave to make the following report:

Engrossed Senate bill No. 247, entitled "An act authorizing plank, macadamized and gravel road companies to enter upon adjacent lands, and appropriate and remove earth, stone, timber and gravel for the construction of roads and matters properly connected therewith, and declaring an emergency."

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Corbin, Culver, Davis, Downey,
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Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Van Buskirk, Ward, Woods, Wright and Mr. President—38.

Those who voted in the negative were,

Messrs. Moore and Vawter—2.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 253. An act to relieve County Auditors, Treasurers, Township Trustees, Assessors, and other officers, for the year 1865, from the penalties attached for violation of an act entitled an act to discourage the keeping of useless and sheep-killing dogs, &c., approved March 2, 1866, and declaring an emergency.

Was read a third time.

The question being on the passage of the bill,

Mr. Cobb moved to recommit with instructions to so amend the bill as to require the County Treasurers of the several counties where they have caused to be assessed and paid taxes on dogs, to pay the same back to the persons so paying said taxes in proportion to the amount so paid by he or she.

Mr. McClurg moved to lay the motion to recommit on the table.
Which was agreed to.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bowman, Bradley, Brown of Wells, Cason, Chapman, Cobb, English, Finch, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Moore, Newlin, Richmond, Thompson, Vawter, Ward, Woods, Wright, and Mr. President—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Davis, Downey, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Staggs, and Terry—12.

So the bill did not pass.

On motion by Mr. Oyler,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The President laid before the Senate a communication from the Auditor of State,

Which was referred to the Committee on Claims.

Mr. Vawter moved to take up Senate bills on second reading.

Which was agreed to.

Engrossed Senate bill No. 307, entitled an act regulating fare to be charged by railroad companies in this State, for the transportation of passengers over their roads, and providing the remedy for all violations thereof.

Was read a second time and passed to a third reading.

Mr. Richmond moved to insert three cents per mile.

Which was agreed to.

Senate bill No. 308 was read a second time by title, and,

On motion,

Referred to the Committee on Swamp Lands.

Senate bill No. 310 was read a second time by title, and,

On motion by Mr. Mason,

Referred to the Committee on Swamp Lands.

Senate bill No. 311 was read a second time by title, and,

On motion by Mr. Wright,
Referred to the Committee on the Judiciary.

Mr. Corbin, from the Committee on Benevolent Institutions, made the following report :

MR. PRESIDENT :

The Committee on Benevolent Institutions, to whom was referred Senate bill No. 159, entitled "an act to provide for the erection and maintenance of House of Refuge, or Schools of Reform, by counties and incorporated cities, and for the confinement and detention therein of prostitutes and females given to habitual intoxication, and also of minors convicted of felonies and misdemeanors, have had the same under consideration, and direct me to report the same back without amendment.

Which report was concurred in.

The hour having arrived for the special order,
The Senate proceeded to consider Senate bill No. 40.

The question being on the adoption of the amendment of Mr. Culver,

Mr. Allison offered the following resolution :

Resolved, That the bill and substitutes be recommitted to the Committee on the Agricultural College, with instructions to report a bill dividing the fund donated by Congress equally between Hanover College, Wabash College, Asbury University, Franklin College, the Indiana University at Bloomington and the North Western Christian University at Indianapolis, and providing for the establishment of an Agricultural Chair in each of said colleges.

Mr. Vawter moved to lay the resolution on the table.

Messrs. Vawter and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs, Barker, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Corbin, Cullen, Douglass, Fuller, Hord, Mason, Moore, Newlin,

Oyler, Reagan, Staggs, Terry, Thompson, Vawter and Mr. President
—20.

Those who voted in the negative were,

Messrs. Allison, Beeson, Carson, Cason, Culver, Davis, Downey, Dykes, English, Finch, Gifford, Hyatt, Jinkens, McClurg, Milliken, Niles, Noyes, Van Buskirk, Ward and Woods—20.

So the resolution does not lie upon the table.

Mr. Beeson offered the following amendment :

Add White Water College, Centreville, Indiana.

The following amendments were offered by the unanimous consent of the Senate :

By Mr. Thompson :

College, Merom.

By Mr. Vawter :

Insert Notre Dame College.

By Mr. Culver :

Add Stockwell Institute, and Battle Ground College.

By Mr. Oyler :

Insert Antietam School House, of Brown county, Indiana.

By Mr. Bradley :

Add the Tousley Collegiate Institute, at New Albany.

By Mr. Barker :

Insert St. Mary's Seminary, Vincennes.

By Mr. Corbin :

Add the Northern Penitentiary.

By Mr. Cobb :

Add Bedford High School, in the town of Bedford, Lawrence county, Indiana.

By Mr. Van Buskirk :

Add Dublin College, Wayne county.

Mr. Hord moved to lay the resolution and pending amendments upon the table.

Pending which,

The following message was received from the House, by Mr. Nixon, their Clerk.

The question being on Mr. Hord's motion to lay on the table,

Messrs. Hord and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—44.

Those who voted in the negative were,

Messrs. Allison, English and Van Buskirk—3.

So the resolution and amendments lie upon the table.

The question recurring on Mr. Culver's motion,

Mr. Brown, of Wells, moved to postpone the further consideration of the bill, and make it the special order for 2 o'clock to-morrow.

Which was agreed to.

Mr. Vawter moved to take up Senate bills on third reading.

Which was agreed to.

Engrossed Senate bill No. 270, entitled an act to amend sections eight and ten of an act entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Dykes, Gifford, Hanna, Hord, McClurg, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Downey, English, Finch, Fuller, Hyatt, Jinkens, Marshall, Milliken, Moore and Vawter—13.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 271, entitled an act to amend section 1st of an act entitled "An act authorizing justices of the peace, notaries public, judges of Courts, mayors of towns and cities and clerks of Circuit and Common Pleas Courts, administer and others generally, and county auditors, in certain cases, and to legalize such as may heretofore have been administered by any of said officers," approved March 9, 1861.

Was read a third time.

The question being on the passage of the bill.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—39.

Those who voted in the negative were,

Messrs. Jinkens, Marshall and Moore—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 273. An act to legalize the action of the State Board of Equalization at its session in 1864, and declaring the duty of the Auditor of State in relation thereto.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—38.

Those who voted in the negative were,

Messrs. Downey, Hord and Marshall—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 275. A bill providing for extending the terms of Circuit Courts by adjournment, and calling special terms.
Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Car-

son, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—40.

Those who voted in the negative were,


Messrs. Noyes and Vawter—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

 Engrossed Senate bill No. 306, entitled an act in relation to the vacation of streets in cities.

Was read a third time.

The question being upon the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bowman, Bradley, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkins, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—38.

Those who voted in the negative were,

Messrs. Cobb and Vawter—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, that the Secretary inform the House thereof.

On motion by Mr. Wright,
The Senate adjourned.

7 O'CLOCK, P. M.

The Senate met.

Mr. Vawter moved a call of the Senate.

Which was agreed to.

The Secretary proceeded to call the roll, when the following members answered to their names :

Messrs. Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dunning, Dykes, Gifford, Hord, Hyatt, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, and Wright—27.

Various members soon appearing, sufficient to form a quorum, Mr. Vawter moved to dispense with a further call of the Senate.

Which was agreed to.

The hour having arrived for the consideration of the special order, to-wit: House bill No. 285 and Senate bill No. 279—

The question being on concurring in the majority report of the Joint Committee,

Mr. Hord moved to postpone till to-morrow morning at 10½ o'clock. Which was agreed to.

Mr. Oyler moved to adjourn.

Which was agreed to.

FRIDAY MORNING, 9 o'clock, }
 December 15, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the journal, when,
 On motion by Mr. Gifford,
 The further reading was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Woods, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bill No. 296, entitled "an act to empower incorporated cities to erect and construct gas works, and to issue bonds for the purpose of procuring the necessary means, and to levy a tax for the payment of such bonds, and making such bonds a lien upon such works," have had the same under consideration, and recommend that the bill be amended by adding in section one, after the word "ten," in the 14th line, the word "per cent." And strike out the word "interest," in the 16th line, and insert the word "discount," and when so amended they recommend that the bill pass.

Which report was concurred in.

Senate bill No. 296 was read a second time, and passed to a third reading.

Mr. Terry, from the Committee on Swamp Lands, made the following report :

MR. PRESIDENT :

The Committee on Swamp Lands, to whom was referred Senate bill No. 308, entitled "a bill to provide for the relief of persons, or the heirs or assigns of persons who have made entries of lands belonging to the United States as swamp lands belonging to the State, in cases where they have not been confirmed as such, or where otherwise the State was incompetent to make a good title, and who have paid the price thereof to officers of the State authorized to receive the same,"

have had the same under consideration, and have directed me to report the bill back to the Senate with the following amendment: Strike out from section one all that relates to the payment of interest; and when so amended recommend its passage.

Which report was concurred in.

Senate bill No. 308 was read a second time, and passed to a third reading.

Mr. Terry, from the Committee on Swamp Lands, made the following report:

MR. PRESIDENT:

The Committee on Swamp Lands, to whom was referred Senate bill No. 310, entitled "an act to amend sections one and two of an act entitled 'an act to enable the owners of wet lands to drain and reclaim them, when the same cannot be done without effecting the lands of others,'" approved March 7th, 1863, have had the same under consideration, and have instructed me to report the bill back to the Senate and recommend its passage.

Which report was concurred in.

Senate bill No. 310 was read a second time, and passed to a third reading.

The hour having arrived for the special order,

The Senate proceeded to the consideration of Senate bill No. 219.

The question being on the adoption of Mr. Downey's amendment.

Mr. Oyler moved a call of the Senate.

The Secretary proceeded to call the roll, when the following members answered to their names:

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—46.

Mr. Oyler moved that the absentees be sent for, and their names be spread upon the record.

Those who were absent were Messrs. Chapman and Hanna.

Mr. Oyler moved to dispense with the further call of the Senate. Which was agreed to.

Message from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills thereof, in which the concurrence of the Senate is requested.

Engrossed House bill No. 254. A bill to amend sections 5, 14 and 17, of an act entitled "An act incorporating the town of Huntington," approved February 16, 1865.

Engrossed House bill No. 117. A bill to amend sections thirty-nine, forty-two, forty-five and fifty-four, of an act entitled "An act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852.

Engrossed House bill No. 41. A bill to legalize sales by guardians under orders defective in not prescribing notice.

Engrossed House bill No. 237. A bill to amend section 35 of "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

The question now recurring on the adoption of the amendment offered by the committee,

Messrs. Cullen and Moore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, McClurg, Mil-

liken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, Mason, Moore, Newlin, Staggs and Vawter—21.

So the amendment was adopted.

The question recurring on the adoption of Mr. Downey's amendment,

Mr. Allison offered the following amendment to the amendment :

“Except such persons as shall have borne arms in the late war for the suppression of the rebellion.”

Messrs. Vawter and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Vawter—22.

So the amendment to the amendment was adopted.

The question now recurring on Mr. Downey's amendment, as amended,

Messrs. Vawter and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chap-

man, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—47.

None voting in the negative.

So the amendment was not adopted.

Mr. Oyler moved to reconsider the vote just taken on the adoption of the amendment to the amendment.

Messrs. Vawter and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Vawter—22.

So the vote was reconsidered.

Mr. Allison, by consent of the Senate, then withdrew his amendment.

Mr. Bennett moved to reconsider the vote upon the adoption of Mr. Downey's amendment.

Messrs. Bennett and Moore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Vawter—22.

So the vote was reconsidered.

The question being on the adoption of Mr. Downey's amendment,

Messrs. Noyes and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Vawter—22.

So the amendment was adopted.

Mr. Bennett moved that the bill and amendments be considered as engrossed, and read a third time now.

Messrs. Bennett and Vawter demanded the ayes and noes.

Those who voted in the affirmative were, .

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Cason, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jin-

kens, Marshall, McClurg, Mason, Moore, Newlin, Staggs and Vawter—22.

It was so ordered.

Senate bill No. 219, as amended, was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Hyatt, Miliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright, and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, and Vawter—21.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

The hour having arrived for the special order, the Senate proceeded to the consideration of Senate bill No. 285.

Mr. Cullen offered the following amendment:

Insert in line 8th, section 8, after the word "State," the following:
"As fast as moneys, from year to year, accumulated in said State Debt Sinking Fund; which said fund is irrevocably pledged for the redemption of said stocks and bonds."

Mr. Brown, of Wells, moved the previous question.
Which was seconded by the Senate.

The question now recurs, shall the main question be put?
It was so ordered.

S. J.—27

The question being on Mr. Cullen's amendment.

It was adopted.

The question recurring on the adoption of the amendment proposed by the majority report of the Committee,

Messrs. Chapman and Brown demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Bowman, Bradley, Brown of Wells, Cason, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Richmond, Staggs, Van Buskirk, and Mr. President—31.

Those who voted in the negative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Cason, Chapman, Culver, Hord, Noyes, Reagan, Terry, Thompson, Vawter, Ward, Woods, and Wright—16.

So the amendment was adopted.

The question being on the adoption of the amendment to the title.
It was adopted.

Mr. Bennett moved to consider the amendments engrossed, and read the bill a third time now.

Which was agreed to.

Mr. Bennett moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

House bill No. 285, entitled "an act to abolish the Indiana State Agency in the city of New York, the Board of Sinking Fund Commissioners of this State, and all the offices connected therewith; to invest the moneys belonging to said fund, and the State Debt Sinking Fund, in the stocks and bonds of the State, and to transfer the business of said Board of Sinking Fund to the office of Auditor and Treasurer of State; and also to provide for the adjustment of the

debt of the State by issuing coupon bonds for the present five per cent. registered stocks of the State, and declaring an emergency to exist for the passage of this act,"

Was read a third time.

The question being on the passage of the bill.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dykes Finch, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Richmond, Staggs, Van Buskirk, Vawter and Mr. President—30.

Those who voted in the negative were,

Messrs. Barker, Beeson, Brown of Hamilton, Cason, Chapman, Culver, English, Fuller, Hord, Marshall, Moore, Noyes, Reagan-Terry, Thompson, Ward, Woods and Wright—18.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Finch asked and obtained leave to introduce

Senate bill No. 213, entitled an act to amend the first and fourth sections of an act, entitled "An act to re-organize the Evansville Insurance Companies, chartered under the several acts of February 8th, 1836, and January 21st, 1850."

Which was read a first time and passed to a second reading.

On motion by Mr. Van Buskirk,
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

The hour having arrived for the special order,
The Senate proceeded to the consideration of Senate bill No. 40.

The question being on the adoption of Mr. Culver's amendment.

Mr. Dunning withdrew his demand for a division of the question.

Mr. Beeson offered the following amendment to the amendment :

Strike out all after the word "act," in said amendment, and insert,
"locate an Agricultural College in the county of Wayne, by her citizens depositing \$100,000 dollars in the Citizens' Bank of Richmond, subject to the order of the Board of Trustees of said College for the use of said College."

The question being on the adoption of Mr. Beeson's amendment,

Mr. Bennett asked for a division of the question.

Mr. Vawter moved to lay the amendment of Mr. Beeson to the amendment of Mr. Culver, on the table.

Messrs. Vawter and Beeson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Corbin, Douglas, English, Finch, Gifford, Hanna, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter, Williams, Woods and Mr. President—22.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Fuller, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward and Wright—25.

So the amendment does not lie on the table.

Mr. Van Buskirk moved to recommit to special committee with instructions to report a bill supplemental to the act of last winter, authorizing the Trustees of the Indiana Agricultural College to locate said College at such place as to them may seem best.

Mr. Cullen moved to lay the motion on the table.

Messrs. Cullen and Van Buskirk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cobb, Corbin, Cullen, Culver, Downey, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Oyler, Reagan, Richmond, Staggs, Terry, Vawter, Ward, Williams, Woods and Mr. President—34.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Cason, Chapman, Davis, Douglas, Dykes, English, Hyatt, Niles, Noyes, Thompson, Van Buskirk and Wright—15.

Mr. Thompson offered the following :

Resolved, That if the citizens of Marion county, or any part of them, shall, within the next five days, or before the 19th inst., offer for the use and location of the Agricultural College, two hundred acres of land, situated within three miles of Indianapolis, and suitable for the location of said College, and shall offer one hundred thousand dollars to be expended in the erection of suitable buildings on said location, then the said Agricultural College, should be located on said land, and in Marion county, Indiana.

So the motion was laid on the table.

Mr. Cason introduced the following resolution :

Resolved, That the Senate proceed to vote *viva voce* for a place to locate the Agricultural College, and the place receiving the majority of the votes shall be the place where said College shall be located, and the bill now under consideration shall be recommitted with instructions to amend the bill by inserting the same.

The question being on the adoption of the resolution,

Mr. Cullen moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The resolution was then adopted.

And the Senate proceeded to vote under the resolution

The result of the first vote was as follows :

Those who voted for Indianapolis were,

Messrs. Allison, Brown of Hamilton, Carson, Davis, Downey, Dykes, English, Marshall, Niles and Thompson—10.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Cobb, Corbin, Cullen, Douglas, Finch, Fuller, Hord, Jinkens, Mason, Moore, Staggs, Vawter, Williams and Mr. President—16.

Those who voted for Richmond were,

Messrs. Beeson, Bennett and Van Buskirk—3.

Those who voted for Tippecanoe were,

Messrs. Cason, Chapman, Culver, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Noyes, Oyler and Woods—12.

No place having received a majority of the votes cast, the Senate proceeded to a second vote.

Those who voted for Indianapolis were,

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Davis, Downey, Dykes, Niles, Terry, Thompson, Van Buskirk and Ward—12.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Bowman, Bradley, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Gifford, Jinkens, Mason, Moore, Staggs, Williams and Mr. President—18.

Those who voted for Tippecanoe were,

Messrs. Bennett, Cason, Chapman, Culver, Hanna, Hord, Hyatt, Marshall, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Vawter and Woods—16.

No place having received a majority of the votes cast, the Senate proceeded to a third vote.

Those who voted for Indianapolis were,

Messrs. Allison, Carson, Davis, Downey, Dykes, Niles, Thompson, Van Buskirk and Ward—9.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Hamilton, Cobb, Cullen, Corbin, English, Finch, Fuller, Gifford, Hord, Jinkens, Mason, Moore, Staggs, Vawter Williams, and Mr. President—20.

Those who voted for Richmond were,

Messrs. Beeson and Bennett—2.

Those who voted for Tippecanoe were,

Messrs. Cason, Chapman, Culver, Hanna, Hyatt, Marshall, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Terry and Woods—15.

Mr. Douglas voting for Huntington.

No place having received a majority of the votes cast, the Senate proceeded to a fourth vote.

Those who voted for Indianapolis were,

Messrs. Allison, Beeson, Brown of Hamilton, Davis, Downey, Dykes, Niles, Terry, Thompson, Van Buskirk, and Ward—11.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Cullen, Douglas, English, Finch, Fuller, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Staggs, Vawter, Williams, and Mr. President—22.

Those who voted for Tippecanoe were,

Messrs. Bennett, Carson, Cason, Chapman, Culver, Gifford, Hanna, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, and Woods—15.

No place having received a majority of the votes cast, the Senate proceeded to the fifth vote.

Those who voted for Indianapolis were,

Messrs. Allison, Downey, Niles, and Thompson—4.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Douglas, Dykes, English, Finch, Fuller, Hord, Hyatt, Jinkens, Mason, Moore, Staggs, Van Buskirk, Ward, Williams, and Mr. President—24.

Those who voted for Tippecanoe were,

Messrs. Beeson, Bennett, Carson, Cason, Chapman, Culver, Davis, Gifford, Hanna, Marshall, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Richmond, Terry, Vawter, and Woods—20.

No place having received a majority of the votes cast, the Senate proceeded to a sixth vote.

Those who voted for Bloomington were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Richmond, Staggs, Van Buskirk, Vawter, Ward, Williams, and Mr. President—29.

Those who voted for Tippecanoe were,

Messrs. Allison, Beeson, Bennett, Carson, Cason, Chapman, Culver, Davis, Hanna, McClurg, Milliken, Newlin, Noyes, Oyler, Reagan, Terry, and Woods—17.

Those who voted for Indianapolis were,

Messrs. Thompson and Niles—2.

Present, and refusing to vote during the whole of the preceding votes, Mr. Wright.

Bloomington, Monroe county, was selected as the site for the College, and the bill re-committed for perfection.

The following message was received from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill thereof, to-wit :

Engrossed House bill No. 299. A bill to legalize the official acts of certain officials therein named, and the acts of their deputies as such, while the principals were performing military service in the army of the United States.

In which the concurrence of the Senate is respectfully requested.

I am also instructed to report to the Senate that the House of Representatives has concurred in the engrossed amendments of the Senate to House bill No. 125, entitled " a bill to amend sections one and two of an act entitled ' an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation, ' " approved March 2, 1855.

Mr. Cullen moved to suspend the previous order, and to take up Senate bill No. 293.

Which was agreed to.

Engrossed Senate bill No. 293, entitled " an act to provide for the periodic enumeration of the white male inhabitants of this State, over the age of twenty-one years; to prescribe the duties and fix the compensation of officers in relation thereto; and also to prescribe the penalties for the violation of official duty in connection with said enumeration, as well as the manner in which, and the courts by which, said penalties shall be enforced, "

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hanna, Hyatt, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, and Mr. President—39.

Those who voted in the negative were,

Messrs. Bradley, Corbin, English, Fuller, Jinkens, Moore, and Wright—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Milliken moved to take up Senate bill No. 213.
Which was agreed to.

Senate bill No. 213 was read a second time by title.

Mr. Milliken moved to refer the bill to the Committee on Corporations.

Which was agreed to.

Mr. Bonham moved to take up House bill No. 270.
Which was agreed to.

House bill No. 270, entitled "a bill fixing the per diem and mileage of members of the General Assembly, Secretaries, Clerks, Doorkeepers, and other employes thereof,"

Was read a second time.

Mr. Bennett moved to lay section 4 of the amendment proposed by the Committee on the table.

Messrs. Vawter and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley

Brown of Hamilton, Cason, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hanna, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Wright, and Mr. President—32.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, English, Fuller, Jinkens, Noyes, Vawter, Ward, and Williams—19.

So the amendment was laid on the table.

The question being on the adoption of the second amendment, relating to the session of 1865,

It was agreed to.

Mr. Bennett moved to strike out "four dollars," wherever it occurs, and insert "five dollars."

Messrs. Bennett and Brown, of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Culver, Davis, Dykes, Finch, Hanna, Hyatt, Mason, Moore, Newlin, Oyler, Richmond, Thompson, Van Buskirk, Ward, and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bradley, Carson, Chapman, Downey, English, Fuller, Gifford, Jinkens, Milliken, Niles, Noyes, Reagan, Staggs, Vawter, Williams, and Woods—18.

So the amendment was adopted.

On motion by Mr. Oyler,
The Senate adjourned.

SATURDAY MORNING, 9 o'CLOCK, }
 December 16, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the Journal, when,

On motion by Mr. Vawter,
 The further reading was dispensed with.

Mr. Marshall asked and obtained leave of absence until Tuesday next.

Mr. Van Buskirk asked and obtained leave of absence until Monday next.

Mr. Brown, of Hamilton, asked and obtained leave of absence until Tuesday next.

Mr. Cullen asked and obtained leave of absence until Monday next.

Mr. Vawter moved to take up Senate bills on third reading.
 Which was agreed to.

Engrossed Senate bill No. 276, entitled an act to amend section twenty-six of "an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases,"

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Cason, Chapman, Cullen, Davis, Douglas, Dykes, Milliken, Oyler, Reagan, Richmond, Terry, Thompson, and Woods—15.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Corbin, Downey, English, Finch, Fuller, Gifford, Hord, Jinkens, McClurg, Mason, Moore, New-

lin, Noyes, Staggs, Vawter, Ward, Williams, Wright, and Mr. President—23.

So the bill did not pass.

Engrossed Senate bill No. 278. An act to amend section thirty-five of an act entitled "an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, County Treasurers and Auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and providing when the same shall take effect,

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Bradley, Carson, Cobb, Corbin, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Mason, Milligan, Moore, Newlin, Noyes, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—30

Those who voted in the negative were,

Messrs. Beeson, Bonham, Bowman, Cason, Chapman, Cullen, Culver, Davis, Oyler and Terry—10.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 282. A bill providing for the employment of watchmen in any of the cities of this State, and providing for their payment.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods and Wright—34.

Those who voted in the negative were,

Messrs. Bradley, Carson, Hord, Jinkens, and Mason—5.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 283. Entitled "a bill to authorize the Common Council of any town in this State, to appoint a town attorney and providing compensation therefor."

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Carson, Cason, Chapman, Corbin, Culver, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hyatt, McClurg, Mason, Newlin, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Woods—28.

Those who voted in the negative were,

Messrs. Barker, English, Fuller, Hord, Jinkens, Moore, Noyes and Wright—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 295. Entitled, an act to amend the 33d section of

an act entitled, "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6, 1865.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Carson, Cason, Chapman, Corbin, Culver, Davis, Douglas, Dykes, Finch, Fuller, Gifford, Hyatt, McClurg, Mason, Milliken, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—28.

Those who voted in the negative were,

Messrs. Downey, English, Hord, Jinkens, Moore, Newlin, Staggs and Williams—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cason moved to take up House bill No. 119.

Which was agreed to.

House bill No. 119 with Senate amendments, entitled a bill to establish and create a State Normal School, and matters connected therewith.

Was read a third time.

Pending which,

The following message was received from the House by Mr. Nixon their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Sen-

ate that the House has passed the following engrossed bills thereof, to-wit:

Engrossed House bill No. 123. A bill to declare forfeited the right of way of certain railroad companies to branch roads, no part of which has been completed, and upon which no work has been done for ten years, and declaring that the right of way aforesaid, shall revert to the land owners along the route thereof.

Engrossed House bill No. 184. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto.

Engrossed House bill No. 231. A bill to protect lawful public notices, and prescribing a penalty for injuries thereto.

Engrossed House bill No. 220. A bill to amend the fourteenth section of an act entitled "an act to limit the number of Grand Jurors, and to point out the mode of their selection; defining their jurisdiction, and repealing all laws inconsistent therewith," so as to give the Grand Jury concurrent jurisdiction with the Courts of Common Pleas, and Justices of the Peace, of misdemeanors, except in cases where the fine cannot exceed three dollars.

Engrossed House bill No. 294. A bill providing for securing to the common school fund sums forfeited on recognizances, and fixing the mode for declaring their forfeiture.

Engrossed House bill No. 95. A bill to enable railroads to make local alterations in their lines, in certain cases.

Engrossed House bill No. 313. A bill to abolish the office of President and Commissioners of the Sinking Fund; transferring said Sinking Fund, and the management thereof, to the Auditor and Treasurer of State, and defining their duties in relation thereto; providing for the investment of the Sinking Fund in the stocks of the State, the execution of non-negotiable bonds in certain cases, and for the distribution of interest accruing to said Sinking Fund, and declaring an emergency.

Engrossed House bill No. 196. A bill to extend the time allowed by law for the completion of gravel roads for the term of one year, in cases therein specified.

In all of which the concurrence of the Senate is respectfully requested.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hyatt, McClurg, Mason, Milligan, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright, and Mr. President—35.

Those who voted in the negative were,

Messrs. Bradley, Cobb, English, Jinkens, Moore, Newlin, Staggs, and Williams—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 296, entitled "an act to empower cities to construct gas works, and to issue bonds to procure the funds, and levy a tax for their payment,"

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Mason, Milligan, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods, Wright, and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 303, entitled "an act to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made, rendered and had by and before the Court of Common Pleas of Whitley county, in this State, held in the Court House in said county, in the month of March, 1865, and then and there before the regular judge of said court,"

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglass, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods, Wright, and Mr. President—42.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 305, entitled an act in relation to the laying out and opening of public highways.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman,

Brown of Wells, Carson, Cason, Cobb, Cullen, Davis, Douglass, Downey, Dykes, English, Finch Gifford, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods, Wright, and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 307, entitled an act regulating the fare to be charged by railroad companies in the State, for the transportation of passengers over their roads, and providing the remedy for all violations thereof.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Mr. Oyler moved to recommit the bill to the Judiciary Committee with instructions to inquire into the constitutionality of the bill.

Pending which,

A message was received from the House by Mr. Nixon, their clerk.

The question being on Mr. Oyler's motion,
Messrs. Oyler and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Davis, Douglass, Dykes, Finch, Fuller, Hanna, McClurg, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Ward, and Mr. President—28.

Those who voted in the negative were,

Messrs. Bowman, Corbin, Downey, English, Gifford, Hord, Hyatt, Jinkens, Mason, Moore, Staggs, Vawter, Woods, and Wright—14.

So the bill was recommitted.

Mr. Brown, of Wells, moved to take up House bill No. 158.
Which was agreed to.

The amendments adopted by the House were then read.

Mr. Brown, of Wells, moved to concur in the amendments.
Which was agreed to.

Mr. Bennett moved to take up House bill No. 270.
Which was agreed to.

Mr. Allison moved to strike out \$2 00, wherever it occurred, and insert \$2 50, with reference to pages.

Mr. Vawter objected.

House bill No. 270. A bill fixing the *per diem* and mileage of members of the General Assembly, Secretaries, Clerks, Doorkeepers, and other employees thereof.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Wells, Carson, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hanna, Hyatt, McClurg, Mason, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Wright, and Mr. President--32.

Those who voted in the negative were,

Messrs. Barker, Corbin, Fuller, Jinkens, Milligan, Moore, Noyes, and Vawter--8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Oyler moved to take up House bill No. 123,
Which was agreed to.

Engrossed House bill No. 123, entitled a bill to declare forfeited the right of way of certain railroad companies to branch roads, no part of which has been completed, and upon which no work has been done for ten years, and declaring the rights of way aforesaid shall revert to the land-owners along the route thereof.

Was read a first time.

Mr. Oyler moved to suspend the rules, and read the bill by title a second time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Wells, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milligan, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Woods, Wright, and Mr. President—38.

None voting in the negative.

So the rules were suspended, and House bill No. 123 was read a second time by title.

Mr. Oyler moved to refer to a select committee of five,
Which was agreed to.

Messrs. Oyler, Moore, Cobb, Thompson, and Williams were appointed said committee.

On motion by Mr. Oyler,
The Senate adjourned.

2 O'CLOCK P. M.

The Senate met.

Mr. Vawter moved to suspend the previous order, and take up House bill No. 95,

Which was agreed to.

Engrossed House bill No. 95. A bill to enable railroads to make local alterations in their lines in certain cases.

Was read a first time, and passed to a second reading.

Mr. Dykes moved to take up House bill No. 239,

Which was agreed to.

Engrossed House bill No. 239. A bill to authorize manufacturing companies to erect a dam across the St. Joseph river in Elkhart county.

Was read a first time, and passed to a second reading.

Mr. Thompson moved to take up House bills Nos. 277, 278, 279, 280, and 300,

Which was agreed to.

Engrossed House bill No. 277. A bill to amend sections two and five of an act entitled "an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852, and providing for criminal and civil courts,

Was read a first time, and passed to a second reading.

Engrossed House bill No. 278. A bill creating the Sixteenth Judicial Circuit and providing for the election of a Judge and Prosecuting Attorney thereof, and declaring its jurisdiction, and providing for a transfer of actions thereto.

Was read a first time, and passed to a second reading.

Engrossed House bill No. 279. A bill to amend sections nine and ten of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions."

Was read a first time, and passed to a second reading.

Engrossed House bill No. 280. A bill to amend section 14 of an act entitled "an act to limit the Grand Jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852.

Was read a first time and passed to a second reading.

House bill No. 300. A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State," approved June 17, 1862.

Was read a first time and passed to a second reading.

Mr. Brown, of Wells, moved to take up House bills on first reading. Which was agreed to.

Engrossed House bill No. 25. An act to repeal an act entitled "an act to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are parties in interest," approved February 14, 1853, and so much of all other laws as render persons incompetent as witnesses on account of their color.

Was read a first time and passed to a second reading.

Engrossed House bill No. 41. A bill to legalize sales by guardians under orders defective in not prescribing notice.

Was read a first time and passed to a second reading.

Engrossed House bill No. 86. An act giving the consent of the State of Indiana to, and authorizing the digging or constructing of a ditch or canal from the Little Calumet river to the Grand Calumet river, both in Lake county, in this State, and requiring the Attorney General to defend such suits or actions at law as may be brought against the parties who may be prosecuting said work.

Was read a first time and passed to a second reading.

Engrossed House bill No. 184. A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto.

Was read a first time and passed to a second reading.

Engrossed House bill No. 196. A bill to extend the term allowed by the law for the completion of gravel roads for the term of one year, in cases therein specified.

Was read a first time and passed to a second reading.

House bill No. 220. An act to amend the fourteenth section of an act entitled "an act to limit the number of Grand Jurors, and to point out the mode of their selection, and repealing all laws inconsistent therewith, so as to give to the Grand Jury concurrent jurisdiction with the Courts of Common Pleas, and Justices of the Peace of misdemeanors, except in cases where the fine cannot exceed three dollars."

Was read a first time and passed to a second reading.

Engrossed House bill No. 231, entitled a bill to protect lawful public notices, and prescribing a penalty for injuries thereto.

Was read a first time and passed to a second reading.

Engrossed House bill No. 117, entitled a bill to amend sections 39, 42, 45 and 54, of an act entitled "an act for the incorporation of Insurance Companies, defining their powers, and prescribing their duties," approved June 17, 1852.

Was read a first time and passed to a second reading.

Engrossed House bill No. 237. A bill to amend section 35 of an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees of certain officers therein named; and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed, approved March 6, 1865.

Was read a first time, and passed to a second reading.

Engrossed House bill No. 254, entitled a bill to amend sections 5, 14 and 17 of an act entitled "an act incorporating the town of Huntington," approved February 16, 1848,

Was read a first time, and passed to a second reading.

Engrossed House bill No. 294, entitled a bill providing for securing to the Common School Fund sums forfeited on recognizances, and fixing the mode for declaring their forfeiture,

Was read a first time, and passed to a second reading.

Engrossed House bill No. 299, entitled a bill to legalize the official acts of certain officers therein named, and the acts of their Deputies as such, while the principals were performing military service in the army of the United States,

Was read a first time, and passed to a second reading.

The following message was received from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House of Representatives has passed the following engrossed bill thereof, to-wit :

Engrossed House bill No. 189. A bill to amend section 52 of an act entitled "an act to amend an act to authorize and regulate the business of general banking," passed the House and Senate of the General Assembly, the Governor's objections thereto notwithstanding, on the 3d day of March, 1855.

In which the concurrence of the Senate is respectfully requested.

Engrossed House bill No. 313, entitled a bill to abolish the office of President and Commissioners of the Sinking Fund, transferring said Sinking Fund, and the management thereof, to the Auditor and Treasurer of State, and defining their duties in relation thereto; providing for the investment of the Sinking Fund in the stocks of the State; the execution of non-negotiable bonds in certain cases, and for distribution of interest according to said Sinking Fund, and declaring an emergency,

Was read a first time and passed to a second reading.

Senate bill No. 309 was read a second time by title, and,

On motion by Mr. Allison,
Referred to the Committee on Corporations.

Mr. Cobb asked and obtained leave to introduce Senate bill No. 314.

Mr. Cobb moved to suspend the rules and read the bill a second time now.

A constitutional provision requiring the ayes and noes,

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Niles, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker, Hord, Jinkens and Moore—4.

So the rules were suspended and Senate bill No. 314 was read a second time.

Mr. Cobb moved to suspend the rules and read the bill a third time now.

Mr. Hord moved to amend by referring to the Committee on Finance.

Which was accepted and agreed to.

Mr. Hanna, from the Committee on Corporations, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 313, entitled "an act to amend the first and fourth sections of an act to reorganize the Evansville Insurance Company, chartered under the several acts of February 8, 1838, and July 21, 1850, respectfully report that they have had the same under consideration and have instructed me to report it back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Engrossed Senate bill No. 313, entitled an act to amend the first and fourth sections of an act entitled "an act to reorganize the Evansville Insurance Company, chartered under the several acts of February 8, 1838, and January 21, 1850.

Was read a second time and passed to a third reading.

Mr. Oyler, from a select committee of five, to whom was referred House bill No. 123, asked and obtained leave to make the following report:

MR. PRESIDENT:

The special committee, to whom was referred House bill No. 123, entitled "an act to declare forfeited the right of way of certain railroad companies to branch roads, no part of which has been completed, and upon which no work has been done for ten years, and

declaring the right of way aforesaid, shall revert to the land owners along the route thereof," have had the same under consideration, and having duly considered the same, have instructed me to report the bill back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

House bill No. 123 was read a second time and passed to a third reading.

Engrossed Senate bill No. 308. To provide for the relief of persons, or the heirs or assignees of persons who have made entries of United States lands as swamp lands belonging to this State, in cases where they have not been confirmed as such, or when otherwise the State was incompetent to make a good title, and who have paid the prices thereof to the officers of the State authorized by law to receive the same.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jenkins, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—38.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed Senate bill No. 159. An act to authorize the erection and maintenance of Houses of Refuge, or Schools of reform, by cities, and the confinement therein of certain persons.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglass, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Milliken, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—38.

Mr. Moore, only, voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Dunning (Mr. Williams in the Chair,) moved to proceed to the consideration of Senate bill No. 313.

The question being on Mr. Vawter's motion to suspend the rules and read the bill a third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright, and Mr. President—39.

None voting in the negative.

So the rules were suspended.

Engrossed Senate bill No. 313, entitled an act to amend the first and fourth sections of an act entitled "an act to reorganize the

Evansville Insurance companies, chartered under the several acts of February 8, 1838, and January 21st, 1850.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—39.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Chapman, from the Committee on Finance, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred Senate bill No. 314, entitled "an act to authorize the Board of Sinking Fund Commissioners to invest any monies belonging to said Fund in the Indiana State bonds or stocks, or in United States srocks; and, when invested in Indiana State bonds or stocks, to provide for the cancellation of such bonds or stocks, and for the issuing of new non-negotiable bonds, for the benefit of the School Fund," have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Mr. Hord offered the following amendment :

Strike out of fifth section "six per cent," and insert "at the rates of interest the several bonds so taken up may have borne."

The question being on the adoption of Mr. Hord's amendment, Mr. Brown, of Wells, moved to lay the amendment on the table.

Messrs. Hord and Vawter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Milliken, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Woods, Wright, and Mr. President—34.

Those who voted in the negative were,

Messrs. Barker, Hord, Moore, Vawter, and Williams—5.
So the amendment lies on the table.

Mr. Hord offered the following amendment :

Strike out of section —— so much as authorizes an investment of fund in seven-thirty United States Bonds.

Mr. Culver moved to lay the amendment on the table.

Messrs. Moore and Hord demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Brown of Wells, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Dykes, English, Hanna, Hyatt, Jinkens, McClurg, Milliken, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Woods, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cason, Downey, Finch, Fuller, Gifford, Hord, Moore, Newlin, Vawter and Williams—13.

So the amendment lies on the table.

Mr. Brown, of Wells, moved to suspend the rules, and read the bill a third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Wells, Car-

son, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Milliken, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Woods, Wright, and Mr. President—36.

Those who voted in the negative were,

Messrs. Moore and Williams—2.

So the rules were suspended.

Senate bill No. 314, entitled, an act to authorize the board of Sinking Fund Commissioners to invest any moneys belonging to said Fund, in the Indiana State Bonds or Stocks, or in United States Stocks, and, when invested in Indiana State Bonds or Stocks, to provide for the cancellation of such bonds or stocks, and for the issuing of new non-negotiable bonds for the benefit of the school fund.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hord, Hyatt, Jinkens, McClurg, Milliken, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Bowman, Fuller, Moore and Williams—4.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Allison, from the Judiciary Committee, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill

No. 294, "an act to amend the eighteenth and nineteenth sections of an act prescribing the powers and duties of Justices of the Peace in State prosecutions, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 294 was read a second time and passed to a third reading.

Mr. Finch moved to take up Senate bill No. 312.

Which was agreed to.

Engrossed Senate bill No. 312. An act to amend the title of an act concerning licenses to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet-show and legerdemaine, so as to embrace the subject of said bill and matters properly connected therewith.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Wells, Carson, Cason, Cobb, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Williams, Woods, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 310. An act to amend sections one and two of an act entitled "an act to enable the owners of wet lands to drain and

reclaim them when the same cannot be done without affecting the lands of others," approved March 7, 1863.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Woods, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Culver, Jinkens, Moore and Williams—4.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 189. A bill to amend section fifty-two of an act entitled "an act to amend an act to authorize and regulate the business of general banking, passed by the House and Senate of the General Assembly, the Governor's objection thereto notwithstanding, on the third day of March, 1855.

Was read a first time and passed to a second reading.

Mr. Brown, of Wells, moved a call of the Senate.
Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Bonham, Bowman, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Milliken, Moore, Newlin, Noyes, Oyler, Richmond, Staggs, Terry, Thompson, Williams, Woods, Wright and Mr. President—36
S. J.—29

Those who were absent on leave were,

Messrs. Brown of Hamilton, Cullen, Gaff, Marshall and Van Buren—5.

Mr. Brown, of Wells, moved that the names of those absent without leave be spread upon the record.

Which was agreed to.

Those who were absent without leave were,

Messrs. Beeson, Bennett, Hord, Mason, Niles, Reagan, Vawter and Ward—8.

On motion by Mr. Brown, of Wells,
The Senate adjourned.

MONDAY MORNING, 9 o'clock, }
December 18, 1865. }

The Senate met.

The reading of the Journal was dispensed with for the present.

The President laid before the Senate the following communication from the Governor:

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }
Indianapolis, December 18, 1865. }

HON. PARIS C. DUNNING,

President of the Senate:

SIR:—I herewith respectfully transmit the Nineteenth Annual Report of the Trustees and Superintendent of the Institution for the Education of the Blind. It will be perceived by the report that additional appropriations are asked. As the session is near its close, I

respectfully ask that the report may be immediately referred to the Committee on Finance, so that the propriety of making the appropriations solicited may be considered without delay.

I have the honor to be, very respectfully,

Your obedient servant,

CONRAD BAKER,

Lieut. Governor acting as Governor.

Mr. Niles, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 311, entitled "an act to legalize sales by Deputy Sheriffs of real estate, under execution, or by order of the Circuit Court or Court of Common Pleas, and to render valid the deeds made by said Deputies in pursuance of such sales," have had the same under consideration, and recommend that it be amended by striking out all after the word "Invalid," in line 11 of section one, to including the word "above," in line 17, after the same section. Also, by inserting in lieu of the words so stricken out, the following words, to-wit: "By reason of the same having been made in the name of such Deputy." And when so amended they recommend the passage of the bill.

Which report was concurred in.

Senate bill No. 311 was read a second time, and passed to a third reading.

Mr. Niles introduced

Senate bill No. 315, entitled "an act in relation to crimes and punishments."

Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

Engrossed House bill No. 41. A bill to legalize sales by Guardians, under orders defective in not prescribing notice,

Was read a second time and passed to a third reading.

Engrossed House bill No. 25. An act to repeal an act entitled "an act to prohibit the evidence of Indians and persons having one-eighth or more of negro blood, in all cases where white persons are

parties in interest," approved February 14, 1853, and so much of all other laws as render persons incompetent as witnesses on account of their color,

Was read a second time and informally passed.

Mr. Brown, of Wells, asked and obtained leave of absence until 3 o'clock, P. M.

Engrossed House bill No. 86. An act giving the consent of the State of Indiana to, and authorizing the digging or constructing of a ditch or canal from the Little Calumet river to the Grand Calumet river, both in Lake county, in this State, and requiring the Attorney General to defend such suits or actions at law as may be brought against the parties who may be prosecuting said works,

Was read a second time and passed to a third reading.

Engrossed House bill No. 95, a bill to enable railroads to make local alterations in their lines, in certain cases,

Was read a second time.

Mr. Niles moved to refer the bill to the Committee on Corporations. Which was agreed to.

Engrossed House bill No. 117, a bill to amend sections 39, 42, 45, and 54 of an act entitled 'an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties,' approved June 17, 1852,

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

Engrossed House bill No. 184, a bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto,

Was read a second time, and,

On motion,

Referred to the Committee on County and Township Business.

Engrossed House bill No. 189, a bill to amend section 52 of an act entitled "an act to amend an act to authorize and regulate the business of general banking," passed by the House and Senate of the General Assembly, the Governor's objections thereto notwithstanding, on the 3d day of March, 1855,

Was read a second time, and,

On motion,

Referred to the Committee on Banks.

Engrossed House bill No. 196. A bill to extend the time allowed for the completion of gravel roads, for the term of one year, in cases therein specified.

Was read a second time and passed to a third reading.

House bill No. 220. An act to amend the 14th section of an act entitled "an act to limit the number of Grand Jurors, and to point out the mode of their selection, and defining their jurisdiction, and repealing all laws inconsistent therewith, so as to give the Grand Jury concurrent jurisdiction with the Courts of Common Pleas and Justices of the Peace of misdemeanors, except in cases where the fine cannot exceed three dollars.

Was read a second time and,

On motion,

Referred to the Committee on County and Township Business.

Engrossed House bill No. 231. A bill to protect lawful public notices, and prescribing a penalty for injuries thereto.

Was read a second time and passed to a third reading.

Engrossed House bill No. 237. A bill to amend section 35 of "an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed," approved March 6, 1865.

Was read a second time and passed to a third reading.

House bill No. 239, was read a second time and,

On motion,

Referred to the Judiciary Committee.

House bill No. 254, was read a second time and passed to a third reading.

Engrossed House bill No. 278. A bill creating the Sixteenth Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney thereof, and declaring its jurisdiction, and providing for a transfer of actions thereto.

Was read a second time and,

On motion,

Referred to the Committee on the Judiciary.

House bill No. 277, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 279, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 280, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 294, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 299, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 300, was read a second time and,

On motion,
Referred to the Committee on the Judiciary.

House bill No. 313, was read a second time and,

On motion,
Referred to the Committee on Finance.

Mr. Hanna moved to suspend the previous order, and take up
House Joint Resolution No. 11.

Which was agreed to.

House Joint Resolution No. 11, a joint resolution for the relief of
Geoage W. Arch, refunding to him the purchase money and interest
thereon paid for certain real estate sold as swamp lands by the State,
when the title was in one Michael John.

Was read a third time.

The question being on the passage of the resolution,
Shall the resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods, Wright and Mr. President
—37.

Mr. Williams only voting in the negative.
So the resolution passed.

The question being, shall the title of the resolution stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Hord moved to suspend the rules, and read Senate bill No. 315 a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President
—38.

None voting in the negative.
So the rules were suspended.

Senate bill No. 315 was then read a second time.

Mr. Hord moved to suspend the rules and read the resolution a third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chap-

man, Cobb, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—36.

None voting in the negative.

So the rules were suspended.

Engrossed Senate bill No. 315. An act defining certain misdemeanors and prescribing the punishment therefor."

Was read a third time.

Mr. Niles asked the unanimous consent of the Senate, to strike out all relating to the publication of the bill.

Which was agreed to.

The question being on the passage of the bill?

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Downey, Dykes, English, Finch, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President--37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Wright moved to take up Senate bill No. 311.

Which was agreed to.

Mr. Wright moved to suspend the rules and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Carson, Cason, Chapman, Cobb,

Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—38.

None voting the negative.

So the rules were suspended.

Engrossed Senate bill No. 311, entitled an act to legalize sales by Deputy Sheriffs of real estate, under execution, or by order of the Circuit Court or Court of Common Pleas, and to render valid the deeds made by said Deputies in pursuance of sales,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Terry, Thompson Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 294, a bill providing for securing to the Common School Fund sums forfeited on recognizances, and fixing the mode for declaring their forfeiture,

Was read a third time.

The question being on the passage of the bill?

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Carson, Cason, Chapman, Cobb, Corbin,

Davis, Downey, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Dykes, Jinkens, McClurg, Mason, Moore, Williams and Wright—9.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Barker asked and obtained leave to introduce the following resolution?

WHEREAS, The people of the State are taxed more than they are well able to pay; therefore,

Resolved, That the Senate is opposed to taxing white men's property for the education of negro children.

Mr. Richmond moved to refer to the Committee on Education.

Mr. Williams moved to lay the motion on the table.

Messrs. Bonham and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Carson, Cobb, Corbin, Douglas, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—20.

Those who voted in the negative were,

Messrs. Allison, Bonham, Cason, Chapman, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Woods, Wright and Mr. President—18.

So the motion lies on the table.

Mr. Richmond then moved to refer the resolution to the Committee on Rights and Privileges.

Mr. Hanna moved to lay the motion on the table.

Pending which,

Mr. Richmond moved a call of the Senate.

Which was not agreed to.

Mr. Richmond then moved to adjourn.

Which was not agreed to.

The question being on the motion to lay Mr. Richmond's motion on the table,

Mr. Vawter demanded the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?

It was so ordered.

The question being on the reference of the resolution,

Messrs. Williams and Moore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Cason, Chapman, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Woods, Wright and Mr. President—18.

Those who voted in the negative were,

Messrs. Barker, Bowman, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, McClurg, Mason, Moore, Newlin, Staggs, Vawter and Williams—21.

So the resolution was not referred.

The question being on the adoption of the resolution,

Messrs. Hanna and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore,

Newlin, Niles, Reagan, Richmond, Staggs, Terry, Van Buskirk, Vawter, Williams, Woods and Mr. President—33.

Those who voted in the negative were,

Messrs. Bonham, Dykes, Noyes, Thompson and Wright—5.

So the resolution was adopted.

Engrossed House bill No. 21. A bill to amend the twenty-second section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Barker, Bowman, English, Jinkens, Moore and Staggs—6.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 22. A bill to legalize the sale of certain school lands in Lake county,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gif-

ford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—38.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered That the Secretary inform the House thereof.

House bill No. 29. An act to amend section 15 of an act entitled "an act concerning inclosures, trespassing animals, and partition fences,"

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright, and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 33. A bill to amend the 8th section of an act, entitled "an act to regulate and license the sale of spiritous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws concerning the provision of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Williams, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Hord and Vawter—2.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 52, a bill to render uniform the assessment of personal property in the several counties,
Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Williams, Woods, Wright and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 53, a bill to amend section 14 of an act entitled "an act to provide for the more uniform mode of doing township business ;

prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved February 18, 1865,

Was read a third time.

Mr. Vawter asked and obtained the unanimous consent of the Senate to insert the enacting clause.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hanna, Hord, Hyatt, McClurg, Mason, Milliken, Newlin, Niles, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Woods, Wright, and Mr. President—30.

Those who voted in the negative were,

Messrs. Barker, English, Fuller, Jinkens, Moore, Noyes, Vawter, and Williams—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 58, a bill to amend the fifth and sixth sections of an act regulating interest on money, and to repeal an act entitled "an act covering interest on money," approved May 27, 1852; the fifty-first section of the "act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, with all other laws and parts of laws in conflict with this act, approved March 7, 1861,

Was read a third time.

The question being, shall said bill pass?

Those who voted in the affirmative were

Messrs. Allison, Barker, Bonham, Bowman, Cason, Chapman, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford,

Hanna, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods, Wright and Mr. President—33.

Mr. Williams only voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 62, a bill empowering incorporated cities and towns to plant and maintain shade trees along the streets, alleys, public squares, and commons thereof, and to provide for the protection of the same at the expense of the adjoining property holders,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Davis, Downey, Dykes, Finch, Fuller, Gifford, Hanna, Hyatt, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Woods, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Corbin, Jinkens, Moore, Staggs, and Williams—5.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 64, a bill to amend the 406th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law; and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,"

Was read a third time.

Mr. Niles asked unanimous consent to strike out the publication clause.

Which was agreed to.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Woods, Wright and Mr. President—37.

None voting in the negative.

So the bill passed,

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 67. A bill to entitle attorneys to hold liens on judgments.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, English, Finch, Gifford, Hanna, McClurg, Mason, Milliken, Newlin, Niles, Richmond, Thompson, Van Buskirk, Vawter, Wright and Mr. President—26.

Those who voted in the negative were,

Messrs. Barker, Dykes, Fuller, Hyatt, Jinkens, Moore, Noyes, Reagan, Staggs, Terry and Woods—11.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House. thereof.

House bill No. 75. A bill to empower Rail Roads to construct branches to neighboring coal mines.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Bowman, Carson, Cason, Chapman, Cobb, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Corbin, Jinkens and Vawter—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 79. A bill to amend an act entitled "an act providing for the election and appointment of Supervisors of Highways, and prescribing certain of their duties, and those of County and Township officers in relation thereto," approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bonham, Carson, Cason, Chapman, Cobb, Corbin, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hanna, Hyatt, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Rich-

mond, Staggs, Terry, Thompson, Van Buskirk, Woods. Wright and Mr. President--31.

Those who voted in the negative were,

Messrs. Barker, Bowman, English, Fuller, Jinkens and Vawter--6.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

On motion by Mr. Van Buskirk,

The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Richmond, from the Committee on County and Township Business, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on County and Township Business, to whom was referred House bill No. 22, entitled "an act to amend the 14th section of an act entitled 'an act to limit the number of Grand Jurors, and to point out the mode of their selection, defining their jurisdiction, &c.,' have had the same under consideration, and have directed me to report the bill back to the Senate and recommend its passage."

Which report was concurred in.

Mr. Cason moved to reconsider the vote taken upon Mr. Barker's resolution of this date on the subject of taxing the property of white persons for the education of negro children.

Which was agreed to.

Mr. Van Buskirk moved to refer the resolution to the Committee on Education.

Which was agreed to.

Mr. Reagan offered a petition praying for the repeal of the so-called "Black Laws" in our statutes.

Mr. Reagan moved to refer the petition to the Committee on Rights and Privileges of the Inhabitants of the State.

Which was agreed to.

Mr. Niles, from the Judiciary Committee, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred engrossed House bill No. 239, "a bill to authorize Manufacturing Companies to erect a dam across the St. Joseph river, in Elkhart county," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which report was concurred in.

Mr. Richmond offered the following resolution :

Resolved, That in the opinion of this Senate the children of negroes within this State should be educated as the children of Democrats are.

Which resolution was adopted.

Mr. Richmond made the following report :

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claims of Joseph H. Blake, B. H. Conwell, Callum H. Bailey, Wm. H. Stewart, Wm. D. Latshaw, and Jonas Good, for attending before the Committee on Arbitrary Arrests, at the session of 1863, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that they be referred to the Committee on Finance, and allowed and included in the specific appropriation bill.

MR. PRESIDENT :

The Committee on Claims, to whom was referred the claim of James Lyons, amounting to \$2.50, for washing towels for Senate,

have had the same under consideration, and have directed me to report the same back and recommend that it be allowed, and referred to Committee on Finance.

Referred to the Finance Committee.

Mr. Ward, from the Committee on Corporations, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred Senate bill No. 309, an act to amend the 8th and 45th sections of an act entitled "an act to reduce the law incorporating the City of Madison into one act, and to amend the same," have had the same under consideration, and have instructed me to report the same back, without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 309, was read a second time and passed to a third reading.

Mr. Cobb moved to recall Mr. Barker's resolution, concerning the education of negro children.

Mr. Cullen moved to lay the motion on the table.

Messrs. Hanna and Cobb demanded the ayes and noes.

Pending which,

Mr. Oyler moved a call of the Senate.

Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—44.

The further call was dispensed with.

The question being on the motion to lay Mr. Cobb's motion on the table.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Brown of Hamilton, Cason, Chapman, Cullen, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—24.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Cobb, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, McClurg, Mason, Moore, Newlin, Staggs and Vawter—21.

So the motion was laid on the table.

Message from the House by Mr. Nixon their clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled act of the House of Representatives, to-wit :

Enrolled act, House of Representatives, No. 125. An act to amend sections 1 and 2 of an act entitled, "an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation," approved March 2, 1855.

Enrolled act, House of Representatives, No. 158. An act to secure a just valuation and taxation of all railroad property within this State, to legalize the valuation, assessment, adjustment and payment, of taxes for such property made subsequent to the year 1859, to which, the signature of the President of the Senate is respectfully requested.

Also that the House has passed the following engrossed House bills, to-wit :

Engrossed House bill No. 206. A bill to amend section 7, of an act entitled, "an act to provide for the erection and repair of bridges, and to repeal an act entitled, 'an act to provide for the erection and repair of bridges,' " approved May 12, 1852.

Engrossed House bill No. 238. A bill to authorize foreign guardians to take possession of personal property of their wards, and receive and receipt for moneys belonging to their said wards, in this State, and sue for and recover such property or money in the Courts of this State.

Engrossed House bill No. 211. A bill to enable common carriers to dispose of unclaimed freight and baggage.

Engrossed House bill No. 253. A bill to amend the eighth section of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties in this State, the duration of the term thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and which eighth section was amended and approved March 11, 1861.

Engrossed House bill No. 234. A bill to repeal an act to ascertain the amount of the fees and salaries of the Clerks of the Supreme Court and Common Pleas Courts of this State; of the Sheriff of the Supreme Court, and of the various counties in this State; of County Auditors and Prosecuting Attorneys, and to provide punishment for a violation of its provisions; approved June 3, 1861.

Engrossed House bill No. 276. A bill to authorize County Auditors to issue fee bills for the collection of costs accrued before Boards of County Commissioners.

Also, Engrossed House bill No. 164. A bill to provide for locating and working highways situated upon, contiguous to, or near by county lines.

Engrossed House bill No. 240. A bill to relieve County Auditors, Treasurers, Township Trustees, Assessors and other officers, in certain cases, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, &c.," approved March 2, 1863, and declaring an emergency.

Engrossed House bill No. 263. A bill to provide by law to prevent Conductors running rail road trains from obstructing any

public highway or street to the hindrance of travel, and prescribing penalties therefor.

Also, Engrossed Joint Resolution No. 20. A joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law by which the soldiers and officers of the war for the suppression of the rebellion, shall be placed, as near as possible, upon an equal footing in the bounty, or bounty and monthly pay as is just and right according to the length of time each have served the country in said war, and recommending the granting of pensions to soldiers of the late war of 1812, who have remained loyal to the country.

In which the concurrence of the Senate is respectfully requested.

I am further directed to inform the Senate that the House has passed Senate bill No. 198, with the accompanying engrossed amendments of the House of Representatives thereto.

I am also directed to inform the Senate that the House insists upon its amendment to Senate bill No. 15, not heretofore concurred in by the Senate.

Mr. Allison moved to appoint a committee of conference, to consist of three members of the Senate, to confer with a similar committee on the part of the House, on Senate bill No. 15.

Which was agreed to.

Mr. Dykes moved to suspend the rules and read House bill No. 239 a third time now.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Thompson, Van Baskirk, Ward, Woods, Wright and Mr. President—41.

Mr. Barker, only, voting in the negative.

So the rules were suspended.

Engrossed House bill No. 239. A bill to authorize manufacturing companies to erect a dam across the St. Joseph river, in Elkhart county.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hord, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Staggs, Terry, Thompson, Ward, Woods, Wright and Mr. President—40.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Miles asked and obtained leave to make the following report :

MR. PRESIDENT :

The Joint Committee, to whom was referred the message of the Governor, as to the necessity of procuring more secure accommodation for the public offices, and the funds, records, and important documents of the State, report that all this will form a part in the future construction of a new State House, amply and securely to provide for all the State offices and the Supreme Court. The heavy call on the people in consequence of the rebellion, and the high price of building at present, forbid even the commencement of any permanent structure now for these objects.

The Committee have therefore fully considered the alternative presented by the Governor, of purchasing the building and lot in the center of the city, offered for sale by the Bank of the State, or the most safe and suitable building and lot which can be had, and which can readily be sold when the State erects a permanent State House, without any public loss to the State.

There are four vaults in the building, each of which offers a safe protection from fires, and one of which is probably the best anti-burglar vault in the west. The building is well constructed, elevated, and easy of access, having six rooms on the first floor, and four, besides a circular hall, on the second floor. More room would be desirable for the State officers, but it is believed it can be comfortably used for the present; and also that chambers and two safe-vaults can be used by the Supreme Court, relieving them from renting upper rooms in the city, with their important papers and books continually liable to loss and destruction.

In this behalf, the late irreparable loss to the people of Kentucky by the burning of their Supreme Court papers, should be a warning as to the dangers of our further neglect.

The Committee recommend that such sum be borrowed of the Sinking Fund by the State, at interest, not over seven per cent., as will cover the cost of any purchase which may be made of such property for which the Committee recommend that not more than \$36,000 be paid. The State is now paying for the unsafe and scattered rooms for her offices and Supreme Court, rent which amounts to seven per cent. upon \$53 600, being \$3,750 per annum.

The Committee recommend the prompt sale of the old Treasury lot and building, at not less than \$22,000, which is less than it is worth, the proceeds to be applied toward liquidating the needful loan from the Sinking Fund, and reducing the amount of rent payable by interest, on the remainder, to be less than \$1,000 per annum, in place of \$3,750, as now paid by the State.

The Committee therefore submit and recommend the prompt passage of a bill to effect the above object.

Senate bill No. 316. A bill providing for the more secure and less expensive accommodations for the officers of State and the Judges of the Supreme Court; for procuring the means therefor by loan of the Sinking Fund, and effecting a sale of the State Treasury lot towards reimbursing such loan,

Was read a first time.

Mr. Allison moved to suspend the rules and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bonham, Bowman, Bradley, Brown &c.

Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dykes, English, Finch, Gifford, Hanna, Hord, Hyatt, McClurg, Mason, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker, Corbin, Downey, Fuller, Jinkens, Moore, Staggs, and Vawter—8.

So the rules were suspended.

Senate bill No. 316 was read a second time, and passed to a third reading.

Mr. Beeson moved to take up House message containing Senate bill No. 198.

Which was agreed to.

The question being on concurring in the first amendment proposed by the House to Senate bill No. 198.

It was concurred in.

The President of the Senate announced the Committee of Free Conference on the part of the Senate, on Senate bill No 15, which consists of Senators Allison, Cobb and Downey.

The question being on concurring in the second amendment proposed by the House to Senate bill No. 198.

Pending which,

A message was received from the House by Mr. Nixon their clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the Speaker has appointed on the part of the House, on the Committee of Conference on Senate bill No. 15, Messrs. Newcomb, Dunham and Prather.

The question recurring on concurring in the second amendment proposed by the House to Senate bill No. 198.

Mr Hanna moved to make the bill and amendments the special order for 9 o'clock to-morrow morning.

Which was not agreed to.

Mr. Brown of Wells, moved a call of the Senate.

Which was not seconded.

Mr. Allison moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question recurring on concurring in the amendment.

Messrs. Brown of Wells and Allison demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Brown of Hamilton, Cason, Chapman, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Wright and Mr. President—20.

Those who voted in the negative were,

Messrs. Barker, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Cullen, Downey, English, Finch, Fuller, Gifford, Hanna, Jinkens, McClurg, Mason, Moore, Newlin and Staggs—21.

So the amendment was not adopted.

The question being on the third amendment proposed by the House, to Senate bill 198.

It was concurred in.

The question being on the fourth amendment,

Messrs. Downey and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Beeson, Bonham, Brown of Hamilton, Cason, Chapman, Corbin, Davis, Dykes, Newlin, Reagan, Richmond, Terry, Thompson, Ward and Woods—15.

Those who voted in the negative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Wells, Car

on, Cobb, Cullen, Culver, Downey, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Niles, Oyler, Staggs, Van Buskirk, Wright and Mr. President—27.

So the amendment was not concurred in.

Mr. Niles, from the Judiciary Committee, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. 40, entitled an act to amend section 8 of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, have had the same under consideration, and direct me to report the same back and recommend its passage.

Which report was concurred in.

The bill having been read a third time,
The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—42.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Thompson moved to take up House bill No. 135.

Which was agreed to.

Engrossed House bill No. 135, entitled an act to amend the 651st section of the act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Court of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinctions between law and equity," passed June 18, 1852.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Mr. Oyler moved to strike out all that part pertaining to publication.

Which was agreed to.

Those who voted in the affirmative were,

Messrs. Beeson, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Culver, Downey, Hanna, McClurg, Mason, Newlin, Niles, Noyes, Oyler, Reagan, Thompson, Van Buskirk, Ward, Woods and Mr. President—23.

Those who voted in the negative were,

Messrs. Allison, Barker, Cullen, Davis, Dykes, English, Finch, Gifford, Hyatt, Jinkens, Milliken, Moore, Staggs, Terry, Vawter and Wright—16.

So the bill did not pass.

Mr. Hanna moved to suspend the rules and read Senate bill No. 316 a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Brown of Hamilton, Cason, Chapman, Culver, English, Hanna, McClurg, Newlin, Niles, Noyes, Reagan, Richmond, Thompson, Van Buskirk, Vawter, Ward, Wood and Mr. President—21.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Cobb, Cullen, Davis, Downey, Dykes,

Finch, Gifford, Hyatt, Jinkens, Mason, Milliken, Moore, Oyler, Staggs, Terry, and Wright—18.

So the rules were not suspended.

Mr. Reagan, from the Committee on Corporations, asked and obtained leave to make the following report.

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 117, entitled a bill to amend sections 39, 42, 45 and 54 of an act entitled "an act for the incorporation of Insurance Companies defining their powers and prescribing their duties," approved June 17, 1852, have had the same under consideration, and have directed me to report the same back, without amendment, and to recommend its passage.

Which report was concurred in.

On motion by Mr. Staggs,

The Senate adjourned.

TUESDAY MORNING, 9 o'clock, }
December 19, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the Journal, when,

On motion of Mr. Oyler,

The further reading was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Oyler, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred the question of

A. J. Wallace and others, praying for a change or amendment of gravel and plank roads, &c., and to report by bill or otherwise, have duly considered the same, and have instructed me to report the same back to the Senate, with a recommendation that the same lie on the table, for the reason that there is not now sufficient time to perfect legislation thereon.

Which report was concurred in.

Mr. Ward, from the Committee on Roads, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill No. 96, a bill to enable Rail Roads to make local alterations in their lines in certain cases, have had the same under consideration, and direct me to report the same back without amendment, and recommend its passage.

Which report was concurred in.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 286, entitled "an act to amend the second section of an act entitled 'an act prohibiting Supreme, Circuit and Common Pleas Judges; County Clerks, Auditors, Treasurers, Records, Sheriffs and their Deputies, from practicing law in any of the Courts of this State, except as in this act permitted; and prescribing punishment for the violation thereof, and prescribing the duty of Courts in reference thereto,'" have had the same under consideration, and report the same back without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 286 was read a second time and passed to a third reading.

Mr. Noyes, from the Committee on Claims, made the following report :

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Edwin May, for five thousand dollars, for plans for Northern Prison, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be laid on the table.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claims of Hall & Hutchinson, for the Daily Herald for the present session, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and be allowed.

MR. PRESIDENT:

The Committee on claims, to whom was referred the claim of J. H. Jordan, for the Evening Gazette for the present session, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and be allowed.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claims of Holloway, Douglass & Co., for the Daily Journal for the present session, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance, and be allowed.

Which reports were severally concurred in, and the claims referred to the Committee on Finance.

Mr. Reagan, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of James B. Bryant, for six dollars and fifty cents for one large copy of Cashing's Parliamentary Law for the use of the President of the Senate at the regular session for the year 1865, have had the same under consideration, and have directed me to report the same back

to the Senate, and recommend that it be referred to the Committee on Finance, and be allowed.

Which report was concurred in.

Mr. Richmond, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claims of Charles C. Campbell for money expended in 1852 in arresting certain criminals, having had the same under consideration, and have directed me to report the same back to the Senate and recommend that it be laid on the table.

Which report was concurred in.

Mr. Oyler from the Committee on Organization of Courts made the following report:

MR. PRESIDENT:

The Committee on the Organization of Courts to whom was referred Senate bill No. 288, entitled "a bill requiring the Clerks of the Circuit and Common Pleas Courts, to make indexes of their records, and providing a compensation therefor" having had the same under consideration, report the same back to the Senate without amendment and recommend its passage.

Which report was concurred in.

Senate bill No. 288 was read a second time and passed to a third reading.

Mr. Reagan from the Committee on Claims made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Patrick Brennen for service rendered during the regular session of 1865, have had the same under consideration, and directed me to report the same back to the Senate and recommend that it be referred to the Committee on Finance and allowed.

Which report was concurred in.

Mr. Bonham, from the Committee on Claims, to whom was referred the claims of the Daily Telegraph, Holloway, Douglass & Co., and Volksblatt, have had the same under consideration and recommend that they be referred to the Committee on Finance.

Which report was concurred in.

Mr. Oyler, from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts, to whom was referred Senate bill No. 287, entitled "an act supplemental to an act entitled an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 7th, 1852, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment and recommend its passage.

Which report was concurred in.

Senate bill No. 287, was read a second time and passed to a third reading.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 298, entitled "an act fixing the time of holding Court in the fourth Judicial Circuit," have had the same under consideration, and as the Senate have acted on a bill from the House upon the same subject, have directed me to report the same back and recommend that the bill do lie on the table.

Which report was concurred in.

Mr. Cason, from the Committee on the Judiciary, made the following report.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 157, entitled "an act to enforce the Thirteenth Article of the Consti-

tution in the Court in the Fourth Judicial Circuit" have had the same under consideration and have directed me to report the same back and recommend that the bill do lie on the Table.

Which report was concurred in.

Mr. Downey, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 300, a bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1862, have considered the same, and have directed me to report the same back to the Senate and recommend that the same be laid on the table.

Which report was concurred in.

Mr. Downey, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 307, regulating the fare to be charged by railroads, &c., have had the same under consideration according to order, and have come to the following conclusions: 1st, That the special charters of railroad companies cannot be amended by the Legislature, unless the right to do so was reserved in the charters, or unless such amendment should be agreed to and accepted by the company. It is held by the courts that the charters of such corporations, are in the nature of contracts, and that after their acceptance by the companies they cannot be amended, except under the condition aforesaid, without violating the provision of the Constitution of the United States, which forbids any State to pass laws impairing the obligation of contracts. 2nd, As to companies organized, or which may become organized under the general railroad law, the committee think it would be inexpedient to limit them in the amount of their charges, while the companies operating under special charters are unlimited. The committee therefore recommend that the said bill be laid on the table.

Which report was concurred in.

Mr. Niles, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, in whom was referred Senate bills No's. 183, 266 and 267, in relation to the organization of courts of justice and destricting the State, have had the same under consideration and have directed me to report the same back without recommendation, inasmuch as they have been carefully considered by the committee on the organization of courts which seems to be the appropriate committee.

Which report was concurred in.

Mr. Niles moved that the bills mentioned in the report be withdrawn.

Which was agreed to.

Mr. Downey, from the Committee on the Judiciary, made the following report.

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 280, a bill to amend section 14 of an act entitled "an act to limit the Grand Jurors, and to point out the mode of their selection, defining their jurisdiction and repealing all laws inconsistent therewith," approved March 4, 1852, have had the same under consideration and have instructed me to report the same back to the Senate with the following amendments, and when so amended they recommend its passage.

On page 3, line 5, after the word "felonies," strike out the word "only" and insert the words "and misdemeanors."

Which report was concurred in.

Mr. Downey from the Judiciary Committee made the following report.

MR. PRESIDENT :

The Judiciary Committse, to whom was referred House bill No. 277, a bill to amend sections 2 and 5 of an act organizing Circuit Courts, have had the same under consideration, and have directed

me to report the same back to the Senate with the following amendments, and when so amended they recommend its passage :

On page 5, line 3, after the word "their," insert the word "respective." On same page, last line, strike out the word "exclusive." On page 6, line 1, strike out the words "such jurisdiction in misdemeanors as is provided by law," and insert the following: Concurrent jurisdiction with the Common Pleas, and Justices of the Peace, in misdemeanors, except in those cases where the fine cannot exceed three dollars :

Which report was concurred in.

The amendments and bill were ordered to be engrossed and read a third time to-morrow.

Mr. Downey from the Judiciary Committee made the following report :

MR. PRESIDENT :

The Judiciary Committee to whom was referred House bill No. 278 creating the sixteenth Judicial Circuit, have had the same under consideration according to order, and have instructed me to make the following report :

The object of the bill, as we are informed, is to organize a Criminal Court for Marion county, which shall have jurisdiction of both felonies and misdemeanors, without interfering with the civil jurisdiction of the Circuit Court as the same is now held. The committee think that the bill in question, would have the effect to create a Criminal Circuit Court in Marion county, but without some amendment, there would be no Civil Circuit Court in that county ; this we presume was not intended by the friends of the bill, and we therefore recommend that the same be amended as follows :

Strike out all the first section after the enacting clause, and insert the following :

That the county of Marion shall be enacted into, and constitute the Sixteenth Judicial Circuit, and there shall be established therein a Criminal Circuit Court, with jurisdiction as provided by law, but this act shall not in any way interfere with the organization of the Marion Circuit Court as now provided by law, nor its jurisdiction

except in criminal cases. The said Criminal court shall be held at the Court House, in Indianapolis, or at such other place in said city, as the Board of Commissioners of said county may provide; the Clerk and Sheriff of the Marion Circuit courts, shall be the Clerk and Sheriff of the said Criminal court, the said court shall in all things not otherwise provided by law, be governed by the law now in force in regard to Criminal courts, and the Judge, and Prosecuting Attorney, Clerk and Sheriff, shall receive the same salary and fees allowed by law to the Judges, Prosecuting Attorney, Clerk and Sheriff of the Circuit court.

In the first line of section two, after the word "the," insert the words "Criminal Circuit."

Which report was concurred in.

The amendments and bill were ordered to be engrossed and read a third time to-morrow.

Mr. Cason, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Judiciary Committee, to whom was referred Senate bill No. —, introduced by Mr. —, entitled a bill to authorize cities to erect gas works, &c., have had the same under consideration, and have directed me to report said bill back and recommend that the same lie on the table—the Committee on Corporations having reported a bill upon the same subject.

Which report was concurred in.

Mr. Moore, from the Committee on Claims, to whom was referred the claims of Browning & Sloan for stationery, and Merrill & Co., submitted a report recommending that they be referred to the Committee on Finance.

Which report was concurred in.

Mr. Niles, from the Committee on the Judiciary, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred Senate bill No. 186, an act to define the rights of parties in joint contracts in

eases in which judgments have been rendered against a part of the makers of such contract, but not against all," have had the same under consideration, and have directed me to report back the following as a substitute for the bill, and to recommend the passage of the substitute.

Which report was concurred in.

Senate bill No. 186, was read a second time and passed to a third reading.

Mr. Downey, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 294, "an act in regard to proceedings on forfeited recognizances," &c., have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the same be laid upon the table.

Which report was concurred in.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred Senate bill No. 274, have had the same under consideration, and have directed me to report said bill back and recommend that it do lie on the table—said bill being entitled "an act concerning pleadings in matters of claims against the estates of decedents."

Which report was concurred in.

Mr. Allison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Committee on the Judiciary, to whom was referred Senate resolution No. 2, have had the same under consideration, and have instructed me to report the same back, with the recommendation that it lie on the table. The committee deem further legislation on the subject embraced in the resolution unnecessary.

Which report was concurred in.

Mr. Woods, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred Senate bills Nos. 80 and 85, have had the same under consideration, and recommend that they be laid on the table, as all the legislation necessary was embraced in Senate bill No. 103.

Which report was concurred in.

Mr. Allison, from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No. 279, "a bill to amend sections 9 and 10 of an act entitled 'an act prescribing the powers and duties of the Justices of the Peace in State prosecutions,'" have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Which report was concurred in.

Mr. Downey, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred "a joint resolution declaring in what manner the acts of the present session of the General Assembly shall be published and circulated in the various counties in order to cause the same to take effect," have had the same under consideration, and are of opinion that it is better to leave the taking effect of the laws to depend on their general publication and circulation throughout the State, as seems to be contemplated by the Constitution. The committee, therefore, recommend that said joint resolution do lie on the table.

Which report was concurred in.

Mr. Niles, from the Judiciary Committee, made the following report :

MR. PRESIDENT :

The Judiciary Committee, to whom was referred House bill No.

299, entitled "an act to legalize the official acts of certain officers therein named, and the acts of their deputies as such, while the principals were performing military service in the army of the United States," have had the same under consideration, and have directed me to report the same back to the Senate and recommend its passage.

Which report was concurred in.

Mr. Richmond, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 184, entitled "a bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto," have had the same under consideration, and have directed me to report the bill back to the Senate, with the recommendation that it be indefinitely postponed, for the reason that a bill similar in provisions has passed the Senate at this session, and in the opinion of the committee no further legislation is necessary upon this subject at this time.

Which report was concurred in.

Mr. Beeson offered the following :

MR. PRESIDENT :

The chairman of the select committee on the location of an Agricultural College, is unable to make any report on the subject of the location of said College, from the fact that on last evening, when notice was given to the members of said committee, they failed to attend, (except the Senator from Tippecanoe,) and not feeling themselves at liberty to act upon the subject, therefore report the facts to the Senate, for them to act as they deem expedient ; and the chairman of said committee asks to be relieved from further consideration of the subject.

REPORTS FROM SELECT COMMITTEES.

Mr. Bonham, from the select committee, made the following majority report :

MR. PRESIDENT :

The select committee to whom was referred Senate bill No. 291,

entitled "a bill creating the Sixteenth Judicial Circuit, and designating what counties shall constitute the Seventh and Thirteenth Circuits," have had the same under consideration, and instruct me to report the same back to the Senate without amendment, and most earnestly recommend its passage.

Mr. Mason, from the same committee, made the following minority report :

MR. PRESIDENT :

The minority of the select committee to whom was referred Senate bill No. 291, entitled "a bill creating the Sixteenth Judicial Circuit, and designating what counties shall constitute the Seventh and Thirteenth Judicial Circuits, and fixing the time of holding Courts in each of said counties," beg leave to report that they are of opinion that if the time which is appropriated to the Circuit which said bill proposes to divide, be judiciously used by the Judge thereof, the whole of the litigated business of the several counties which compose said Circuit can be properly attended to. Besides, there are only six counties that compose the Circuit which said bill seeks to divide. Allowing three weeks to each county at each term, the Judge would only be employed thirty-six weeks during the year.

The minority of said committee recommend that said bill lie on the table.

Senate bill No. 291 was read a second time.

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed engrossed Senate bill No. 103, with accompanying amendments of the House thereto, said bill entitled as follows :

"An act repealing all General Laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the manner in which they shall exercise the same, and regulating other matters properly connected herewith, and repealing certain acts therein specified."

In which amendments the concurrence of the Senate is respectfully requested.

Mr. Oyler, from a select committee made the following majority report :

MR. PRESIDENT :

The special committee to whom was referred Senate bill No. 235, entitled "a bill requiring Railroad Companies to give transportation to persons desiring to ship live stock or other freight over their roads, and requiring such companies to charge a uniform rate therefor," have had the same under consideration, and have been unable to come to any definite conclusion in regard to the provisions of said bill, and report the same back to the Senate without any recommendation, and ask to be discharged from the further consideration of the subject.

Mr. Ward, from the select committee to whom was referred Senate bill No. 236, "a bill requiring Railroad Companies to furnish transportation for freight to persons desiring to ship live stock or other freight over their roads, and requiring such companies to charge a uniform rate therefor," begs leave to report that said committee failed to take any definite action thereof. In view, however, of the imperative demand existing for some legislation upon the subject contemplated by the bill, the undersigned would recommend the passage of said bill.

The question being on the engrossment of the bill (Senate bill No. 236.)

Mr. Oyler moved to indefinitely postpone.

Messrs. Cullen and Ward demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Carson, Cobb, Corbin, Davis, Douglass, Downey, Dykes, Fink, Gifford, Hanna, Marshall, McClurg, Niles, Oyler, Richmond, and Terry—22.

Those who voted in the negative were,

Messrs. Brown of Hamilton, Cullen, Culver, Fuller, Hyatt, Jinkens, Mason, Milliken, Moore, Noyes, Reagan, Staggs, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—19.

So the bill was indefinitely postponed.

Mr. Carson moved to suspend previous order and take up Senate bill No. 103.

Which was agreed to.

The question being on the amendments proposed by the House.

Mr. Oyler moved to concur in the amendments with an amendment, *z.*, to strike out all relating to publication.

Which was agreed to.

Mr. Cobb offered the following amendment :

Strike out all, including line 16, to the word "ten," in line 25 in section 41, and insert the following :

Sec. 7. The cities and incorporated towns through or into which railroad may pass, may assess any railroad, building, fixtures and machinery connected therewith, within the city or town limits, on the same basis, and in the same manner that the like property of natural persons is assessed, and collect the taxes thereon as other taxes are collected ; but the rolling machinery used in operating the road shall be deemed to be embodied in the taxes by the mile.

Which, on motion, was adopted.

Mr. Niles offered the following amendment :

Strike out all relating to publication.

Which was adopted.

Mr. Niles offered the following amendment :

Strike out the words "three-fourths," in the line of the last pages of the amendments, and insert in lieu thereof the following : not less than "two-thirds."

Which was adopted.

The amendments, as amended, were then concurred in.

Mr. Chapman, from the Committee on Finance, made the following report :

R. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 33, have had the same under consideration, and have instructed me

to report the same back, without amendment, and recommend its passage.

Mr. Brown, of Wells, moved to refer the same to the select committee on the subject.

Mr. Bradley offered the following amendment :

To inquire into the expediency of striking out all in the bill No 313 giving authority to the officers named to invest in government bonds.

Which was accepted by the mover.

The question being on the motion of Mr. Brown, of Wells, as amended,

Messrs. Cullen and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Cullen, Downey, English, Finch, Fuller, Gifford, Hanna, Jinkens, Marshall, Mason, Moore, Newlin, Oyler, Staggs and Mr. President—24.

Those who voted in the negative were,

Messrs. Allison, Beeson, Brown of Hamilton, Chapman, Culver, Davis, Dykes, Hord, Hyatt, Milliken, Noyes, Reagan, Terry, Thompson, Vawter, Ward, Woods and Wright—18.

So the report and bill were recommitted.

Mr. Gifford asked and obtained leave to introduce Senate bill No 317.

Senate bill 317. An act to legalize bonds issued by Boards of County Commissioners to drafted men who entered into or procured substitutes to enter the military service of the United States.

Which was read a first time and passed to a second reading.

Message from the House of Representatives, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to

inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit :

No. 21. An act to amend the 22d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

No. 22. An act to legalize the sale of certain school lands in Lake county.

No. 29. An act to amend section 15 of an act entitled "an act concerning inclosures, trespassing animals, and partition fences."

No. 52. An act to render uniform assessments of personal property in the several townships of the different counties.

No. 58. An act to amend the 5th and 6th sections of an act regulating interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852; the 51st section of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, and all other laws and parts of laws in conflict with this act, approved March 7, 1861.

No. 75. An act to empower Railroads to construct branches to neighboring Coal Mines.

No. 239. An act to authorize manufacturing companies, to erect dam across the St. Joseph river in Elkhart county.

And the same are hereby handed the President of the Senate, and he is respectfully requested to attach his signature to the same.

Mr. Cullen moved to adjourn.

Which was agreed to.

2 O'CLOCK P. M.

The Senate met.

Message from the House, by Mr. Nixon, their Principal Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to return to the Senate House bill No. 79 for correction of Senate message reporting amendments thereto.

On motion by Mr. Wright, the Principal Secretary of the Senate was ordered to return said message.

Message from the House, by Mr. Nixon, their Principal Clerk :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate, that he has signed the following enrolled acts of the House of Representatives, to-wit :

Enrolled act No. 33. An act to amend the 8th section of an act entitled "an act to regulate and license the sale of Spirituous, Vinous, Malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Enrolled act No. 53. An act to amend section 14 of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved Feb. 18, 1859.

Enrolled Joint Resolution No. 11. A joint resolution for the relief of Geo. W. Archer, refunding to him the purchase money and interest thereon, paid for certain real estate sold as swamp lands by the State, when the title was in one Michael John.

To which said acts the signature of the President of the Senate is respectfully requested.

I am further directed to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 119 entitled "a bill to establish and create a State Normal School, and matters connected therewith."

Mr. Benham, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The committee to whom was referred the claim of N. T. Cunningham, late Treasurer of State, for certain moneys alleged to be due him as such Treasurer, has had the same under consideration and a majority of said committee have directed me to report said claim to the Senate with the recommendation that it be allowed and referred to the committee on Finance.

Mr. Moore, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, have had the claim of Henry Coleman, under consideration, for three days work after the close of last session, and recommend that it be referred to the Committee on Finance, and that he be allowed ten dollars.

Mr. Cason, from the select committee on the subject of the Adjutant General's Report, made the following report:

MR. PRESIDENT:

The select committee, to which was referred the following resolution of the Senate:

WHEREAS, That when, on yesterday, the second volume of the Adjutant General's Report was laid on the desks of Senators, they were perfectly surprised at the voluminous character of the work, and by what authority the same was ordered: Therefore,

Be it resolved, That a committee of three be appointed to inquire by what authority these publications were made, the number of volumes, and the probable cost of the same, and report their proceedings to the Senate at as early a day as possible, and that the committee

be authorized to ascertain and report to the Senate the name of the member who brought into the Senate the resolution ordering said publication, have had the same under consideration and beg leave to submit the following report :

The Adjutant General's Report was prepared and printed upon the authority of the following resolution of the House and Senate.

On the 4th day of March, 1865, the House passed the following :

Resolved, That the Adjutant General be requested to make up a full and complete report of this office, which shall embrace the names, residences, date of enlistment and number and date of discharge or death of every officer, soldier and marine enlisted in the military or naval service of the United States during the present war, with such information to the State, or United States service, as may be of public interest and in similar style to those published by other States. Two Thousand copies of which report shall be printed and bound under the direction of the Adjutant General, as the other public documents are printed and bound.

On the sixth of said month, and two days following the adoption of the above report by the House, the Senate passed the following :

"Resolved, That twenty-five hundred copies of the Report of the Adjutant General of Indiana be printed for the use of the members of the Senate."

Taking these resolutions together, your committee must come to the conclusion that the Adjutant General was authorized in making and having printed and bound, for distribution, the Report, the second volume of which has been laid on the desks of the Senators.

The committee, however, find, upon careful examination, that the Senate, at the time of the passage of the resolution above set forth, were ignorant of the fact that the House had passed their resolution setting forth and directing the kind of Report that the Adjutant General should make and cause to be printed and distributed.

The resolution passed by the Senate cannot, unconnected with the House resolution, be construed to authorize a report of volumes in number, printed and bound, and your committee hazard nothing in saying that no Senator contemplated authorizing the making and publishing of a report of such magnitude upon the authority of this resolution ; but, on the contrary, every Senator had in his mind, the report in small pamphlet style, of the usual form made and published by this office.

And it is due to the Senate to say, that in consideration of the apparent hasty actions upon a resolution of such importance, should it have contemplated the report made by the Adjutant General, that it was presented to the Senate at the moment of its final adjournment, and being in the usual form of resolution for the printing and distribution of public documents, and the Senate being ignorant of the action of the House, passed the same by unanimous consent, believing that nothing but the usual and ordinary report of this office was to be made, and had the Senate contemplated any other kind of report, the resolution would have been referred, as all important subjects are, to some committee, with instructions to inquire into the propriety of making the same, and the size and cost thereof.

In making this statement we do not wish to be understood as reflecting upon, or censuring the action of the able officer making his report.

The resolution of the House undoubtedly authorized and directed him to make such a report, and so far as the committee have had time to examine the work, they find it ably and faithfully executed. The printing of the report is the duty of another officer, and over which the Adjutant General has no control. It is also due to the publisher to say that the work, as far as completed, is substantially and handsomely executed.

It will be seen by the foregoing statement that the Senate is called upon to decide a question of much importance, and under circumstances, perhaps, never before presented to the legislative body. If we proceed with the publication of the report, it will make a *heavy* *raft* upon the treasury, at a time when the strictest and most vigilant economy should be exercised; if, on the other hand, we stop its further publication, we fail to perform a duty we owe to our brave and gallant volunteers in perpetuating and transmitting to posterity the record of their noble defense of their Government and the rights of freemen. We further find that the Adjutant General has so far progressed with his part of the work that there would be but little saved in his office by stopping the preparation of the report, and should a future Legislature deem it expedient to continue the publication of the report, it would only add to the cost thereof, in re-arranging the work now nearly completed. In the publishing department, we find one volume of 4,500 copies already issued, and one of another volume worked off, of the the same number of copies. These volumes complete the Rosters of the officers, and it needs no argument on the part of your committee to convince Senators of the

justice and propriety of doing for the common soldier all we have done for his officers.

In view of the imperative necessity for the exercise of the strictest economy, your committee called on the State Printer and requested him to submit a proposition, in writing, of the cost per volume, the number of volumes and pages necessary to complete the report. In response to our request, he furnished us with the following proposition:

INDIANAPOLIS, INDIANA, }
December 14, 1865. }

HON. THOS. J. CASON,

Chairman Committee on Adjutant General's Report:

SIR:—I will print and bind 4,500 copies of the Adjutant General's Report, furnishing paper and all materials, in a style corresponding with the volume already issued, at one dollar and ninety cents (\$1.90) per volume. The number of volumes yet to be issued not to exceed six, making seven for the complete set, the volumes to average 700 pages each. The third volume is already in press, and about one-third of an edition of 4,500 copies printed. If three thousand copies are ordered of any of the volumes not yet printed, the price will be two dollars (\$2.00) per volume. The copies intended for Township and other Libraries will be bound in full leather, library style, without extra charge.

Very Respectfully,

Your obedient servant,

W. R. HOLLOWAY,

State Printer.

It will be seen, from this proposition, that for a work of the character of the volume published, being rule and figure work, in large type, on fine white paper, neatly and tastefully bound, that the cost is below the amount allowed by law, or what is customary for work of like character. We would, therefore, recommend that the aforesaid proposition of W. R. Holloway, State Printer, be accepted at one dollar and ninety cents per volume, for 4,500 copies.

One of the most objectionable features of the resolution passed by the Senate, was the provision requiring the full number to be printed for the use of the Senate, which makes it look as though the treasury must be depleted for the gratification and personal benefit of the

members of this body. And while it would undoubtedly be understood that Senators would distribute the full number to their constituents, except, perhaps, one copy for themselves, yet it would give rise to charges that the distribution had been made to party and personal friends, instead of to those who most deserved the compliment, and to the places where they would most certainly be preserved.

For the purpose of carrying out the recommendation above set forth, and to modify said resolution so as to abolish the objection stated, your committee report the accompanying concurrent resolution, which they recommend to be adopted. And that said resolution, when adopted, together with this report, be spread upon the Journal.

Your committee would ask to be discharged from further consideration of this subject.

All of which is respectfully submitted.

Be it resolved by the Senate, (the House concurring), That the proposition of W. R. Holloway made to the Select Committee of the two Houses, on the Adjutant Generals Report, and dated December — inst., to print 4,500 copies of said report, be and the same is hereby accepted, and that he be authorized to continue the publication of said report on the terms and conditions therein named, that the said report be distributed and be disposed of as follows :

1st. Fifteen hundred copies be retained by the Adjutant General, and by him turned over to the State Librarian, who shall sell the same at their cost price per volume, and shall pay the money so received from such sale into the State Treasury. Said librarian shall make a full and complete report of the sales, stating the number of volumes sold, and the number of volumes remaining in his hands to the General Assembly, on the first Monday of each subsequent session, as long as there may be any remaining unsold, and he shall submit with said report the State Treasurer's receipts for any and all money he may have paid into the State Treasury on account of said sales.

2d. One copy to each of the township libraries in the State, one to each county Clerk, Auditor and Recorder, to be retained in their respective offices for reference, and to each county and other public libraries; one to the Adjutant General of each State and Territory, to be forwarded by the Adjutant General of this State; one to each State library, to be distributed by the State Librarian; one to each member of the present General Assembly of the State of Indiana;

fifty copies for the use of the departments at Washington city, D. C. twenty copies for the use of the State officers; one to each of the leading governments of Europe, and to the Continent, to be forwarded by the Adjutant General to the officers of the United States Government, and by them retained in their offices, and the remainder of said reports to be deposited in the State Library for preservation and safe keeping; the State Librarian shall append to his report required by the first resolution herein, a full statement of the number of volumes distributed, and to whom distributed, and the number not distributed, together with the number in the State Library.

3d. That it shall be unlawful for any librarian to allow any one of said reports, or any volume thereof, to be taken out of the library but he shall keep said report in the library for preservation and reference, and it is hereby made the duty of the State Printer to print and paste on the inside cover of volume one, this resolution.

4th. So much of the resolution of each House, passed at its last session as relates to the distribution of said reports is hereby repealed and received.

Mr. Cason introduced the following concurrent resolution :

[Copy not furnished.—STATE PRINTER.]

Mr. Hord moved to lay the resolution on the table.

Messrs. Hord and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Cason, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall McClurg, Mason, Moore, Newlin, Staggs, Vawter, Williams, Wright and Mr. President—23.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton Cason, Chapman, Cobb, Cullen, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Terry, Thompson, Van Buskirk, Ward and Woods—21.

So the resolution lies on the table.

Mr. Cason moved a call of the Senate.

Which was agreed to.

These who answered to their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President—48.

Mr. Oyler moved to dispense with the further call of the Senate.
Which was agreed to.

The question recurring on the adoption of the Resolution,

Messrs. Brown of Wells and Corbin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward and Woods—24.

These who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Carson, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, McClurg, Mason, Moore, Newlin, Staggs, Vawter, Williams, Wright and Mr. President—24.

So the Resolution did not pass.

Mr. Hanna moved to suspend the previous order and take up House bill No. 82,

Which was agreed to.

Engrossed House bill No. 82. A bill concerning the creation of corporations for the purpose of maintaining high schools within the State, and giving the requisite powers to such corporations.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright, and Mr. President—47.

None voting in the Negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Niles moved to suspend previous order and take up Senate bill No. 316.

Which was agreed to.

Engrossed Senate bill No. 316. A bill provididg for the more secure and less expensive accommodations for the Officers of State and the Judges of the Supreme Court, for securing the means therefor by loan of the Sinking Fund, and for effecting a sale of the State Treasury lot, towards reimbursing such laws.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, ~~Bonham~~, Cason, Chapman, Culver, Davis, Dykes, Hanna, Niles, Richmond, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—19.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Hamilton, Carson, Cobb, Corbin, Cullen, Douglas, Downey, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Oyler, Reagan, Staggs, Terry, and Williams—28.

So the bill did not pass for want of a constitutional majority.

Mr. Williams moved to suspend the previous order for the purpose of introducing a resolution.

Which was agreed to.

Message from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed Senate bill No. 21, with accompanying amendments, entitled as follows :

An act to amend sections 9, 10, 18, 23, 24 and 33 of an act entitled "an act to incorporate the town of Vernon, Jennings county, Indiana," approved January 22, 1851.

In which said amendments the concurrence of the Senate is respectfully requested.

I am further directed to report that the House has passed engrossed House bill No. 256, entitled "a bill for incorporating hydraulic companies, and defining their powers and duties."

In which the concurrence of the Senate is respectfully requested.

Mr. Williams then introduced the following resolution :

WHEREAS, Aquilla Jones, while Treasurer of State, did advance to Governor Willard, on account of his salary, the sum of eight hundred and fifty-nine dollars and eight cents, which remained unpaid at the time of his death : AND WHEREAS, His successors in office have been receiving much larger sums of money as salary and contingents than he, the said Willard : Therefore,

Resolved, That the Committee on Finance are hereby authorized to incorporate the same in the specific appropriation bill of the present session, and authorize the same to be paid to the said Aquilla Jones.

Upon the adoption of which Mr. Bennett moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put ?

It was so ordered.

The question being upon the adoption of the resolution,

Messrs. Williams and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Douglas, Downey, Dykes, English, Fuller, Gifford, Hanna, Hord, Jinkens, Marshall, Mason, Moore, Staggs, Thompson, Vawter, Ward, Williams and Mr. President—25.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Chapman, Cullen, Culver, Davis, Hyatt, Milliken, Noyes, Oyler, Reagan, Richmond, Terry, Van Buskirk, Woods and Wright—19.

So the resolution was adopted.

Mr. Vawter moved to suspend the previous order, and take up the message of the House in reference to Senate bill No. 21.

Which was agreed to.

Amendments of House of Representatives to engrossed Senate bill No. 21.

First. Amend the title of said bill by adding after the word "eighteen" the word "nineteen."

Second. Amend by striking out the words "tract," "tract of land," "land," "parcel of land," wherever they occur, and insert "lot."

Strike out the word "Recorder," in the 29th section, and insert the word "Marshal."

The question being on concurring in the forgoing amendments. They were concurred in.

Mr. Bonham moved that when the Senate adjourned, it be until 7 o'clock this evening.

Messrs Vawter and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley

Brown of Hamilton, Carson, Cason, Chapman, Cullen, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Newlin, Noyes, Reagan, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright, and Mr. President—28.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Corbin, Culver, Davis, Douglas, English, Finch, Fuller, Jinkens, Marshall, McClurg, Moore, Niles, Oyler, Richmond, Staggs and Terry—18.

So the motion was agreed to.

Mr Cullen moved to take up the message in relation to House bill No. 256.

Which was agreed to.

Engrossed House Bill No 256. A bill for incorporating Hydraulic Companies and defining their duties and powers.

Was read a first time. •

Mr. Cullen moved to suspend the previous order and read the bill a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Williams, Woods, Wright and Mr. President—38.

None voting in the negative.

So the rules were suspended.

House bill No. 256, was read a second time by title, and,

On motion by Mr. Corbin,
Referred to the Committee on Canals and Internal Improvements.

Mr. Oyler moved to suspend the rules and read Senate bill No. 286 a third time .

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Wright and Mr. President—39.

Mr. Williams only voting in the negative.

So the rules were suspended.

Engrossed Senate bill No. 286. An act to amend second section of an act, entitled "an act prohibiting Supreme, Circuit, or Common Pleas Judges, County Clerks, Auditors, Treasurers, Recorders, Sheriffs and their deputies, from practicing law in any of the Courts of this State, except as in this act permitted, and prescribing punishment for violation thereof, and prescribing the duties of Courts in reference thereto.

Was read a third time.

Mr. Williams moved to recommit with the following instructions, viz., to include the members of the General Assembly.

Mr. Cullen moved to amend by inserting the words from the first day of the session.

Mr. Brown of wells moved to lay the amendment and the amendment to the amendment on the table.

Messrs. Williams and Brown of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beason, Bennett, Bonham, Brown of Hamilton, Brown of wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dykes, Finch, Gifford, Hanna, Hord, Mason, Newlin, Niles, Oyler, Richmond, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—30.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Cobb, Culver, English, Fuller,

Hyatt, Jinkens, Milliken, Moore, Noyes, Reagan, Staggs, Terry and Williams—16.

So the amendments lie on the table.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Fuller, Gifford, Hanna, Hord, Hyatt, Mason, Niles, Noyes, Oyler, Reagan, Richmond, Thompson, Van Buskirk, Vawter, Ward, Wright, and Mr. President—32.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Corbin, English, Finch, Jinkens, Moore, Newlin, Staggs, Terry and Williams—12.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Senate bill No. 40 was read a third time.

Mr. Dunning moved to postpone the further consideration of the bill and make it the special order for to-morrow at 9 o'clock, A. M.

The following message was received from the House by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bill of the House, to-wit:

Engrossed House bill No. 329. A bill making general appropriations for the year one thousand eight hundred and sixty-six, repealing certain sections of an act therein named, and declaring an emergency.

I am further directed to state that the House has concurred in Senate amendments to House bill No. 79.

And further, that the House has concurred in the amendments of the Senate to the amendments of the House to Senate bill No. 103, the City Charter bill.

On motion by Mr. Wright.

The Senate adjourned.

7 O'CLOCK, P. M.

The Senate met.

Mr. Corbin moved a call of the Senate.

Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Cullen, Davis, Downey, Dykes, Finch, Gifford, Hyatt, Jinkens, Marshall, Mason, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter Ward, Woods, Wright and Mr. President—36.

Mr. Corbin moved that the absentees be sent for.

Which was agreed to.

Messrs. Williams and English were excused on account of ill health.

Mr. Bonham moved that further proceedings under the call be dispensed with.

Which was agreed to.

Mr. Corbin moved to suspend the previous order.

Which was agreed to.

Mr. Corbin then introduced the following resolution :

Resolved, That A. E. & W. H. Drapier be allowed for Brevier Legislative Reports furnished last session in compliance with resolutions then passed ; and, also, at the same rate, viz., two-thirds of one

sent a page per copy for the same number of copies of the current volume for the present session.

Mr. Bennett moved to refer the resolution to the Committee on Finance, with instructions to incorporate the same in the specific appropriation bill.

Which was agreed to.

SENATE BILLS ON THIRD READING.

Engrossed Senate bill No. 309. An act to amend the 8th and 45th sections of an act entitled "an act to reduce the law incorporating the City of Madison, and the several acts amendatory thereto, into one act to amend the same." approved February 8, 1848.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dykes, Finch, Gifford, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—38.

None voting in the negative.

So the bill passed.

The question being, shall the title stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

The following message was received from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bills thereof, to-wit:

Engrossed House bill No. 255. A bill supplemental to an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties, approved March 17, 1852.

Engrossed House bill No. 207. A bill regulating Foreign Insurance Companies, doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith.

Engrossed House bill No. 328. A bill making specific appropriations for the year 1859, 1861, 1863, 1865 and 1866.

In the passage of which the concurrence of the Senate is respectfully requested.

Mr. Dunning, (Mr. Richmond in the chair,) moved to reconsider the vote by which the Concurrent Resolution of Mr. Cason upon the Adjutant General's Report, was not adopted.

Which was agreed to.

The question being on the adoption of the Resolution.

Mr. Vawter moved to insert the word "present" before the words, "General Assembly"

Which was agreed to.

Mr. Downey offered the following amendment:

Amend by striking out all relating to the taking of 1500 copies to be deposited with, and sold by the Librarian, and reduce the aggregate and to be paid in proportion.

Mr. Cullen moved the previous question,

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on the adoption of the amendment.

Messrs. Brown of Wells, and Hanna demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cor-

bin, Downey, Finch, Gifford, Hanna, Jinkens, Marshall, Mason, Moore, Newlin and Staggs—16.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Mr. President—26.

So the amendment was not adopted.

The question being on the adoption of the original resolution.

Messrs. Hanna and Cullen demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Dykes, Gifford, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Mr. President—29.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Corbin, Downey, Finch, Hanna, Jinkens, Marshall, Mason, Moore, Newlin and Staggs—15.

So the resolution was adopted.

Mr. Oyler moved to reconsider the vote and moved to lay that motion on the table.

Which was agreed to.

Mr. Oyler moved to take up House bill No. 253.

Which was agreed to.

House bill No. 253, entitled "a bill to amend section 8 of an act entitled, "an act to fix the time of holding the Common Pleas Court in the several counties in this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, and which 8th section was amended, and approved March 11, 1861.

Was read a first time and passed to a second reading.

Mr. Bennett moved to take up House bills on their first reading—
Which was agreed to.

Joint Resolution No. 20. A joint resolution instructing our Senators, and requesting our Representatives in Congress for the passage of an act equalizing the pay of soldiers and officers engaged in the suppression of the rebellion.

Was read a first time.

The question being on the passage of the resolution,

Shall the resolution pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—37.

None voting in the negative.

So the resolution passed.

The question being, shall the title of the resolution stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen moved a call of the Senate.

Which was agreed to,

When the following members answered to their names:

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Finch, Gifford, Hanna, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—41.

Mr. Bennett moved that the absentees be sent for, and their names spread upon the record.

Which was agreed to.

Those absent without leave were Messrs. Hord and McClurg.

Mr. Chapman moved that the doors be locked.

Which was agreed to.

Mr. Dunning (Mr. Richmond in the chair,) moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Oyler raised the following point of order, viz.: the call being dispensed with, the doors should be unlocked.

The President (Mr. Richmond in the chair,) decided that the point was not well taken.

Mr. Oyler appealed from the decision.

The question being, shall the decision of the Chair stand as the judgment of the Senate?

It was so ordered.

Engrossed House bill No. 164. A bill to provide for locating and working highways situated upon, contiguous to, or near by county lines.

Was read a first time.

HOUSE BILLS ON THEIR FIRST READING.

Engrossed House bill No. 206. A bill to amend section seven of an act entitled "an act to provide for the erection and repair of bridges, and to repeal an act entitled 'an act to provide for the erection and repair of bridges,' " approved May 12, 1852.

Was read a first time and passed to a second reading.

Engrossed House bill No. 207. A bill regulating foreign Insurance Companies doing business in this State, prescribing the duties of the Agents thereof, and of the Auditor of State in connection therewith.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the constitutional provision was suspended.

Engrossed House bill No. 211. A bill to enable common carriers to dispose of unclaimed freight or baggage.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the Constitutional provision was suspended.

Engrossed House bill No. 234. A bill to repeal an act in relation to the repeal of certain officers, approved January 3, 1861.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman,

Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the provision was suspended.

Engrossed House bill No. 238. A bill to authorize Foreign Guardians, to take possession of the personal property of their wards, and receive and receipt for moneys belonging to their said wards in this State and sue for and recover such property or money in the courts of this State.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the Constitutional provision was suspended.

House bill No. 240. An act to relieve county Auditors, Treasurers, Trustees, Assessors and other officers in certain cases, for the year 1865 from the penalties attached for the violation of an act to discourage the keeping of useless and sheep killing dogs, approved March 2, 1865, and declaring an emergency.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Regan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the Constitutional provision was suspended.

House bill No. 255. A bill supplemental to an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved March 17, 1852.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the constitutional provision was suspended.

House bill No. 263. A bill to provide by law to prevent conductors running railroad trains from obstructing any public highway or street to the hinderance of travel, and prescribing penalties therefor.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley,

Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the constitutional provision was suspended.

House bill No. 276. A bill to authorize County Auditors to issue fee bills for the collection of costs accrued before County Commissioners.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the constitutional provision was suspended.

House bill No. 328. An act making specific appropriations for the years 1859, 1861, 1863, 1865 and 1866.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Jinkens, Mason, Mil-

likens, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the constitutional provision was suspended.

House bill No. 329. An act making general appropriation for the year 1866, repealing certain sections of an act therein named and declaring an emergency.

Mr. Chapman moved to suspend the Constitutional provision, requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Cason, Carson, Chapman, Cobb, Corbin, Culver, Cullen, Davis, Downey, Dykes, Gifford, Hyatt, Jenkins, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Barker and Moore—2.

So the Constitutional provision was suspended.

The Foregoing bills were severally read a first time by title.

HOUSE BILLS ON SECOND READING.

House bill No. 207.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken,

Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the Constitutional provision was suspended.

On motion, House bill No. 207 was referred to the Committee on Corporations.

House bill No. 211.

Mr. Chapman moved to suspend the Constitutional provision, requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the Constitutional provision was suspended.

On motion, House bill No. 211 was referred to the Judiciary Committee.

House bill No. 234.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the Constitutional provision was suspended.

On motion, House bill No. 234 was referred to the Committee on County and Township Business.

House bill No. 238.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the Constitutional provision was suspended.

On motion House bill 238 was referred to the Judiciary Committee.

House bill No. 240.

Mr. Chapman moved to suspend the Constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion, House bill No. 240 was referred to the Committee on County and Township Business.

Engrossed House bill No. 253. A bill to amend section 8 of an act entitled, "an act to fix the time of holding the Common Pleas Court in the several counties in this State, the duration of the terms thereof, and making all process from the Common Pleas Courts returnable to such terms."

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Perry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

House bill No. 255.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Perry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion, House bill No. 255 was referred to the Committee on Corporations.

House bill No. 263.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion,

House bill No. 263 was referred to the Committee on Corporations.

House bill No. 276.

Mr. Chapman moved to suspend the constitutional provision requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion,

House bill No. 276 was referred to the Committee on County and Township Business.

House bill No. 328.

Mr. Chapman moved that the constitutional provision requiring the bill to be read by sections on three several days be suspended.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion,

House bill No. 328 was referred to the Committee on Finance.

House bill No. 329.

Mr. Chapman moved that the constitutional provision requiring the bill to be read by sections on three several days be suspended.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker and Corbin—2.

So the constitutional provision was suspended.

On motion,

House bill No. 329 was referred to the Committee on Finance.

Mr. Gifford moved to suspend the rules and read Senate bill No. 317 a second time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Miliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the rules were suspended.

Senate bill No. 317. An act to legalize bonds issued by Boards of County Commissioners to drafted men who entered into or procured substitutes to enter the military service of the United States.

Was read a second time, and,

On motion,

Referred to the Committee on Finance.

Mr. Cobb moved to take up Senate bills on their third reading. Which was agreed to.

House bill No. 84. A bill to legalize the action of the Board of County Commissioners of Vermillion county, and of the District and State Boards of Equalization, in adopting the appraisement of real estate of 1859 as the basis for the assessment of taxes for the year 1864, and each year thereafter till a new appraisement shall be made.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 88. A bill authorizing certain corporations therein named to change their corporate names.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—34.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 117. A bill to amend sections 39, 42, 45 and 54, of an act entitled "an act for the incorporation of Insurance Com-

panies, defining their powers, and prescribing their duties," approved June 17, 1852.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Newlin, Niles, Reagan, Terry, Thompson, Van Buskirk, Ward and Mr. President—28.

Those who voted in the negative were,

Messrs. Barker, Moore, Noyes, Richmond, Staggs and Vawter—6.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 121. A bill to cure defective acknowledgments of deeds in certain cases.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—37.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered by consent.

Ordered, That the Secretary inform the House thereof.

Mr. Moore moved to take up House bill No. 123.
Which was agreed to.

Mr. Moore moved that the bill be informally passed.
Which was agreed to.

House bill No. 124. An act amending section thirty of an act regulating fees of officers, and repealing former acts in violation thereof, approved March 2, 1855.
Was read a third time.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Dykes, Gifford, Hyatt, Mason, Milliken, Newlin, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Downey, Moore, Staggs and Vawter—4.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen moved to take up House bill No. 186.
Which was agreed to.

On motion by Mr. Cullen,
The bill was informally passed.

House bill No. 187. An act authorizing and requiring the Commissioners of the State Debt Sinking Fund to make settlement with Sinking Fund Commissioners, for \$422,000 War Loan Bonds, purchased by Sinking Fund Commissioners with moneys belonging to the
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Common School Fund; also, the sum of \$165,000, moneys belonging to the Common School Fund, advanced by the Sinking Fund to pay interest on the State Debt; also, the sum of \$33,536,09 Saline Fund, and \$22,947 Bank Tax Fund; directing the transfer to the Common School Fund of the State of Indiana, of so much of the 2½ and 5 per cent. certificates of the stocks of the State as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act; authorizing and directing the proper officers of State to issue a Bond of the State for the amount thereof, bearing 6 per cent. interest, payable semi-annually, and principal payable and redeemable at the pleasure of the State; directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking effect of this act.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

On motion, the bill was laid on the table.

House bill No. 210. A bill to fix the time of holding the Court of Common Pleas in the County of Grant, and repealing all laws in conflict therewith.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being shall the title of the bill stand as read.

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 25. An act to repeal an act entitled "an act to prohibit the evidence of Indians and persons having one eighth or more of negro blood in all cases where white persons are parties in interest," approved February 14, 1853, and so much of all other laws, as render persons incompetent as witnesses on account of their color.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Brown of Hamilton, Cason, Chapman, Cullen Culver, Davis, Dykes, Hyatt, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Wright and Mr. President—22.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Downey, Gifford, Mason, Moore, Newlin, Staggs and Vawter—14.

So the bill failed to pass for want of a constitutional majority.

House bill No. 126. A bill to amend section 5 of an act entitled "an act to authorize the construction of levees and drains, approved June 12, 1852.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs,

Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 41. A bill to legalize sales by guardians, under orders defective in not prescribing notice.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Stggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—30.

Those who voted in the negative were,

Messrs. Barker, Bradley, Cobb, Corbin and Moore—5.

So the bill passed.

The question being shall the title stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 86. An act giving the consent of the State of Indiana to, and authorizing the digging or constructing of a ditch or canal, from the Little Calumet river to the Grand Calumet river, both in Lake county in this State, and requiring the Attorney Gen-

eral to defend such suits or actions at law, as may be brought against the parties who may be prosecuting said works.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read.
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 196. A bill to extend the time allowed by the law for the completion of gravel roads for the term of one year, in cases therein specified.

Was read a third time.

The question being on the passage of the bill.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Wright and Mr. President—36.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 220. An act to amend the 14th section of an act entitled, an act to limit the number of Grand Jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, so as to give the Grand Jury concurrent jurisdiction with the courts of Common Pleas and Justices of the Peace, of misdemeanors except in cases where the fine cannot exceed three dollars.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bennett, Bonham, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Downey, Dykes, Hyatt, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Ward and Mr. President—22.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cullen, Gifford, Mason, Moore, Noyes, Staggs, Vawter and Wright—14.

So the bill failed to pass for want of a constitutional majority.

House bill No. 231. A bill to protect lawful public notices and prescribing a penalty for injuries thereto.

Was read a third time.

The question being on the passage of the bill.

Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, Dykes, Gifford, Hyatt, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—34.

Those who voted in the negative were,

Messrs. Barker and Oyler—2.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 237. A bill to amend section 35 of "an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6th, 1865.

On motion,

It was laid on the table.

On motion by Mr. Oyler,

The Senate adjourned.

WEDNESDAY MORNING, 9 O'CLOCK, }
December 20, 1865. }

The Senate met.

On motion by Mr. Gifford,

The reading of the Journal was dispensed with.

Mr. Hord offered the following protest, which was ordered to be spread upon the record:

MR. PRESIDENT:

The undersigned, members of the Senate, respectfully protest against the action of the Republican party of the Senate on Mon-

day, the 19th of December, in the absence of all the Democratic members of this body, and while there was no quorum in the Senate to do business, in reconsidering the motion adopting Mr. Barker's resolution, which reads as follows, to-wit: "*Be it resolved*, That the Senate is opposed to taxing white men's property for the benefit of negro children," and referring the same to the Committee on Education.

And, also, earnestly protest against the action of the Republican party at the same time, when all the Democratic members were absent, and there was no quorum on this floor, in adopting the following resolution, offered by the Senator from Howard, to-wit:

"*Resolved*, That in the opinion of the Senate, the children of negroes of this State should be educated as the children of Democrats."

The undersigned are opposed to the sentiment of said resolution, and protest against its adoption by the Republican members of this Senate, under the circumstances by which the same was adopted, and request that this protest be spread upon the record,

H. Corbin,
Thomas Gifford,
James H. Vawter,
D. D. Williams,
Francis T. Hord,
E. G. English,
A. Bradley,
A. Staggs,
J. D. Marshall,
H. Jinkens,
J. A. Bowman,
Wm. W. Carson,

Thomas R. Cobb,
Geo. S. Brown, of Wells,
James Barker,
A. C. Downey,
A. J. Douglas,
L. McClurg,
James L. Mason,
Geo. W. Moore,
L. W. Finch,
Bayliss W. Hanna,
J. W. Newlin,
B. S. Fuller.

Mr. Thompson presented a petition praying for the passage of House bill No. 135.

Which was laid on the table.

The Doorkeeper (Dr. Thompson) presented a communication on the subject of the sofas that were taken from the East Lobby.

Mr. Vawter moved to lay the communication on the table, and that it be not spread upon the Journal.

Messrs. Williams and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bradley, Brown of Hamilton, Carson, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Milliken, Niles, Noyes, Oyler, Reagan, Staggs, Terry, Thompson, Vawter, Ward, Williams, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Bonham, Corbin, Hord, Moore and Newlin—5.

So the communication was ordered not to be spread upon the Journal, and to lie on the table.

Mr. Cullen introduced the following resolution upon the subject of the communication.

Resolved, That Rev. David Stevenson be requested to publish the inuendo against the soldiers of Indiana, contained in his statement to Dr. Thompson, concerning the sofas belonging to the Senate Chamber, upon the fly leaf of his book, entitled "The Roll of Honor," as a recommendation of said book to the soldiers.

Mr. Chapman moved to lay the resolution on the table.

Messrs. Cullen and Thompson, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Brown of Wells, Carson, Corbin, Douglas, Downey, English, Finch, Fuller, Gifford, Hord, Jinkens, Marshall, McClurg, Moore, Staggs, Vawter, Williams and Wright—21.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Chapman, Cullen, Davis, Dykes, Hyatt, Newlin, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Mr. President—20.

So the resolution was laid on the table.

Mr. Chapman asked and obtained leave of absence for a few moments for the members of the Finance Committee.

The special order being Mr. Bennett's resolution on the execution of Mr. Jefferson Davis.

Mr. Brown, of Wells, moved to postpone the resolution till 2 o'clock to-morrow.

Which was agreed to.

Mr. Bonham, from the Committee on Claims, made the following report.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Merrill & Co., for stationery amounting to \$315.60 cts. have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allowed.

MR. PRESIDENT:

The Committee on Claims, to whom was referred the report of the Auditor of State, of the claims allowed at former sessions of the Legislature which remain unpaid, have carefully examined the same, and find it correct, and all of said claims therein named, unpaid except two, each of which is marked "paid." We therefore recommend that the said claims be referred to the Committee on Finance, with the recommendation that they be incorporated in the specific appropriation bill for payment.

Which report was concurred in.

Mr. Hyatt, from the Committee on Corporations, made the following report:

MR. PRESIDENT:

The Committee on Corporations, to whom was referred House bill No. 263, entitled "a bill to provide by law, to prevent conductors running railroad trains, from obstructing any public highway or street to the hinderance of travel, and perscribing penalties therein," having had the same under advisement, have instructed me to report the

same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Mr. Vawter moved to read the bill a third time now.

Which was agreed to.

House bill No. 263 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bonham, Brown of Hamilton, Brown of Wells, Cobb, Corbin, Cullen, Culver, Davis, Douglass, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jenkins, Marshall, McClurg, Mason, Milliken, Moore, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Wright and Mr. President—36.

Those who voted in the negative were,

Messrs. Bennett, Bowman and Niles—3.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

The following message was received from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit :

Enrolled act No. 67. An act to entitle attorneys to hold liens on judgments.

Enrolled act No. 64. An act entitled, "an act to amend the 46th section of an act entitled, 'an act to revise, simplify and abridge the

rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'” approved June 18, 1852.

Enrolled act No. 62. An act empowering incorporated cities and incorporated towns, to plant and maintain shade trees along the streets, alleys, public squares and commons thereof, and to provide for the protection of the same at the expense of the adjoining property holders.

Enrolled act No. 119. An act to create a State Normal School, and declaring an emergency, and the President of the Senate is respectfully requested to sign the same.

I am directed to inform the Senate that the House has passed, without amendment, the following Engrossed bill of the Senate, to-wit:

Engrossed Senate bill No. 314. A bill to authorize the board of Sinking Fund Commissioners, to invest any moneys belonging to said fund, in the Indiana State Bonds or Stocks; and when invested in Indiana State Bonds or Stocks, to provide for the cancellation of such bonds or stocks; and for the issuing of new non-negotiable bonds, for the benefit of the School Fund.

Mr. Bonham from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Banks, to whom was referred Engrossed House bill No. 189, entitled, “a bill to amend section 52, of an act entitled, ‘an act to authorize and regulate the business of general banking, &c., have had the same under consideration, and have directed me to report the same back to the Senate without any amendment, and recommend its passage.’”

Engrossed House bill No. 263. A bill to provide by law, to prevent conductors running railroad trains, from obstructing any public highway or street to the hindrance of travel, and prescribing penalties therefor.

Which report was concurred in.

Engrossed House bill No. 489. A bill to amend section 52, of an act entitled, "an act to amend an act to authorize and regulate the business of general banking, passed the House and Senate of the General Assembly; the Governor's objection thereto, notwithstanding, on the 3d day of March, 1855.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cobb, Cullen, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Douglas and Staggs—2.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Williams offered the following resolution:

Resolved, That the Principal Secretary of the Senate be allowed \$3 per day of extra pay for the present session, and that this resolution be referred to the Committee on Finance, with instructions to incorporate such allowance in the specific appropriation bill.

Which resolution was adopted.

Mr. Hord moved to make House bill No. 123 the special order for 2 o'clock this day.

Which was agreed to.

Mr. Bennett moved to take up House bill No. 270.

The Senate then concurred in the amendment proposed by the House.

Mr. Oyler from the Committee on the Organization of Courts, made the following report :

MR. PRESIDENT :

The Committee on the Organization of Courts to whom was referred House bill No 233, entitled, bill to amend the eighth section of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and which eighth section was amended and approved March 11, 1861, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment and recommend its passage.

Which report was concurred in.

House bill No. 253 was read a third time.

The question being on the passage of the bill,
Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Brown of Hamilton, Brown of Wells, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Oyler, Reagan, Richmond, Staggs, Thompson, Ward, Woods, Wright and Mr. President
—35,

None voting in the negative.

So the bill passed.

The question being shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Brown of Wells moved to take up House bill No. 254.
Which was agreed to.

Engrossed House bill No. 254. A bill to amend sections 5, 14 and 17 of an act entitled "an act incorporating the town Huntington, approved February 16, 1848.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Woods, Wright and Mr. President—42.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen, from the Committee on Canal and Internal Improvements, made the following report:

MR. PRESIDENT:

The Committee on Canal and Internal Improvements, to whom was referred House bill No. 256, entitled "a bill for incorporating hydraulic companies, and defining their duties and powers," have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

House bill No. 256 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—39.

Those who voted in the negative were,

Messrs. Bradley, Brown of Wells, and Staggs—3.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Corbin moved to take up House bill No. 288.

Which was agreed to.

Mr. Jinkens was excused from attendance at the session after this evening.

Engrossed Senate bill No. 288. A bill requiring the Clerk of the Circuit and Common Pleas Courts to make indexes of their records, and providing compensation thereof.

Was read a third time.

The question being on the passage of the bill,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Fuller, Gifford, Hanna, Hord, Hyatt, Marshall, Mason, Milliken, Moore, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward, Woods, Wright and Mr. President—35.

Those who voted in the negative were,

Messrs. Barker, Bowman, Bradley, Finch, Jinkens and Vawter—6.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has had under consideration the action of the Senate on House amendments to Senate bill No. 198, entitled "a bill repealing 'an act for the relief of the families of soldiers, seamen and marines, &c., &c.;" and that the House insists upon its second amendment thereto, and recedes from its fourth.

I am further directed to say that the House has receded from its amendments to Senate bill No. 196, entitled "a bill concerning the writ of *habeas corpus*. Both of which amendments, not having been heretofore concurred in by the Senate.

Mr. Bennett moved to take up that part of the message relating to Senate bill No. 198.

Which was agreed to.

The question being on receding from the action of the Senate and concurring in the amendment proposed by the House,

Messrs. Brown, of Wells, and Oyler demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Cason, Culver, Davis, Dykes, Niles, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—15.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cobb, Corbin, Cullen, Downey, English, Finch, Fuller, Gifford, Hanna, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Staggs and Mr. President—26.

So the Senate refused to concur in the amendment.

S. J.—35

Mr. Cullen moved to appoint a Committee of Free Conference to confer with a similar Committee on the part of the House, on the subject of the amendment.

Which was agreed to.

The President appointed Messrs. Cullen and Oyler said committee.

Mr. Cullen, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 240, entitled "an act to relieve County Auditors, Treasurers, Trustees, Assessors, and other officers in certain cases, for the year 1865, from the penalties attached for the violation of an act to discourage the keeping of useless and sheep-killing dogs, approved March 2, 1865, and declaring an emergency," have had the same under consideration, and direct me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

Senate bill No. 240 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Douglas, Fuller, McClurg, Mason, Moore, Staggs, Thompson, Vawter, Wright and Mr. President—20.

Those who voted in the negative were,

Messrs. Beeson, Corbin, Culver, Davis, Downey, Dykes, English, Finch, Gifford, Hyatt, Marshall, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Terry, Van Buskirk and Ward—20.

So the bill did not pass for want of a constitutional majority.

Mr. Cullen, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 276, entitled "a bill to authorize County Auditors to issue fee bills for the collection of costs accrued before County Commissioners," have had the same under consideration, and direct me to report the same back to the Senate without amendment, and recommend its passage.

Which report was concurred in.

House bill No. 276 was read a third third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bowman, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Finch, Fuller,* Gifford, Hyatt, Marshall, Mason, Moore, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Milliken, Newlin and Vawter—3.

So the bill passed.

The question being, shall the title of the bill stand as read ?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen, from the Committee on County and Township Business, made the following report :

MR. PRESIDENT :

The Committee on County and Township Business, to whom was referred House bill No. 234, a bill to repeal "an act in relation to the reports of certain officers," approved June 3, 1861, have had the same under consideration, and direct me to report the same back to

the Senate with the recommendation that the same be indefinitely postponed.

Which report was concurred in.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit :

Enrolled act No. 82. "An act concerning the creation of Corporations for the purpose of maintaining High Schools within the State, and giving the requisit powers to such corporations."

Enrolled act No. 124. "An act to amend section 30 of an act regulating the fees of officers, and repealing former acts in relation thereto." approved March 2, 1865

And the same are respectfully presented to the President of the Senate for his signature thereto.

Mr. Bradley moved to take up the message in reference to House bill no 285.

Which was agreed to.

The question being on receeding from the action of the Senate, and concurring in the amendment proposed by the House, the Senate refused to concur in the amendment.

Mr. Bradley moved to appoint a Committee of Free Conference, to confer with a similar Committee on the part of the House, on the subject of the amendment.

Which was agreed to.

The President appointed Messrs. Bradley and Cason, said Committee.

Mr. Reagan, from the Committee on Corporations, made the following report :

MR. PRESIDENT :

The Committee on Corporations, to whom was referred House bill

No. 255, a bill supplemental to an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties, approved March 17, 1852, have had the same under consideration, and have directed me to report the same back to the Senate with the recommendation that it pass.

House bill No. 255, was read a third time.

The question being on the passage of the bill.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Downey, Dykes, Gifford, Marshall, Mason, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—30.

Those who voted in the negative were,

Messrs. Bowman, Bradley, Corbin, Douglas, Finch, Fuller, Hyatt, Richmond and Staggs—8.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Thompson moved to take up House bills Nos. 277, 278, 279 and 280.

Which was agreed to.

The amendments suggested in the report on these bills were concurred in.

Engrossed House bill No. 277. A bill to amend sections 2 and 5 of an act entitled "an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852, and providing for Criminal and Civil Circuit Courts.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Davis, Douglas, Downey, Dykes, English, Finch, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Vawter, Ward, Williams, Woods, Wright and Mr. President--41.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Mason, from the Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:

The Committee on Enrolled Senate bill No. 21, amending sections 9, 10, 18, 19, 23, 24 and 33 of an act entitled "an act to incorporate the town of Vernon, Jennings county, Indiana," approved January 22, 1859, have examined the same, and find it correct.

Engrossed House bill No. 278. A bill creating the Sixteenth Judicial Circuit Court, providing for the election of a Judge and Prosecuting Attorney thereof, and providing compensation therefor, and declaring its jurisdiction and providing for a transfer of actions thereto.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of

Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—41.

None voting in the negative.

So the bill passed.

By unanimous consent, the title was amended by adding the following words, viz: "and providing compensation therefor."

The title, as amended, was then adopted.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 279. A bill to amend sections 9 and 10 of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions."

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—41.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Engrossed House bill No. 280. A bill to amend section 14 of an

act entitled "an act to limit the Grand Jurors, and to point out the mode of their selection, defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 4, 1852.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Jinkens, Marshall, McClurg, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—40.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Carson from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance to whom was referred Senate bill No. 317 entitled, "an act to legalize bonds issued by boards of county commissioners to drafted men who entered into or procured substitutes to enter the military service of the United States, have had the same under consideration, and have directed me to report the same back with the following amendment to-wit :

After the word "bonds," insert the words "and orders," and when so amended recommend its passage.

Which report was concurred in.

Senate bill No. 317 was read a third time and informally passed

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has appointed Messrs. Bonham, Brown and Henricks on the Committee of Conference on House bill No. 285.

The President of the Senate then appointed an additional member to the Committee of the Senate—Mr. Corbin.

I am further directed by the House to inform the Senate that the Speaker has appointed Messrs. Newcomb, Buskirk and Henricks, on the Committee on Conference on Senate bill 198.

The President appointed Mr. Corbin as an additional member to the same Committee on the part of the Senate.

Also the following message from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

* I am directed by the House of Representatives to inform the Senate, that the House has passed the following acts of the Senate to-wit :

Engrossed Senate bill No. 293. An act to provide for the periodic enumeration of the white male inhabitants of this State over the age of twenty-one years &c., &c.

Engrossed Senate bill No. 289. A bill to provide for acknowledgement of the execution of official bonds, and to declare the effect and obligation of such bonds, &c., &c., and that the Speaker of the House has signed enrolled Senate act No. 21, entitled "an act to amend sections 9, 10, 18, 19, 23, 24 and 33 of an act entitled "an act to incorporate the town of Vernon, Jennings County, Indiana, approved May 22, 1857, also, that the Speaker has signed enrolled act of the House of Representatives No. 126, entitled "an act to authorize the construction of levees and drains, approved June 12 1852.

To which said last enrolled act, the signature of the President is respectfully requested.

And I am also further directed to inform the Senate that the House has concurred in engrossed amendments of the Senate to House bill No. 270 so far as the same refers to the second section thereof, and that the House has concurred in the second amendment of the Senate to said House bill No. 270, except so far as the same refers to "Clerks of other Committees," in the sixth line of third section, and except so much as refers to the "Folding Clerks," in the 24th and 25th lines of section third of said bill, also, that the House has concurred in the engrossed Senate amendments to House bill No. 62. and also, that the House has concurred in engrossed Senate amendments to House bill No. 64.

Mr. Vawter introduced the following resolution :

Resolved, That the Senate regards as unjust, unwarranted and improper, the imputations made against the Soldiers of Indiana by David Stevenson, as stated in the report of the Door Keeper to this body, and that it regards our soldiers alike honorable and brave.

Which resolution was adopted.

On motion of Mr. Oyler,
The Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Moore moved a call of the Senate.
Which was agreed to.

Those who answered to the call of their names were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Brown of Wells, Carson, Chapman, Cobb, Corbin, Cullen, Downey, Dykes, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Wright and Mr. President
—33.

Mr. Moore moved that the absentees be sent for.

Which was agreed to.

Pending the action under the call,

Mr. Bennett from the Committee on Military Affairs made the following report.

MR. PRESIDENT:

The Committee on Military Affairs, to whom was referred House-bill No. 68, a bill authorizing County Boards to receive subscriptions, and make donations for Soldiers Monuments, have had the same under consideration, and requested me to report the same back and recommend its passage.

Which report was concurred in.

House bill No. 68 was read a second time.

Mr. Bennett moved to suspend the rules and read the bill a third time now.

A constitutional provision requiring the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman Brown of Hamilton, Carson, Chapman, Cobb, Cullen, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Marshall, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Wright and Mr. President—36.

Those who voted in the negative were,

Messrs. Corbin, Hord and Jinkens—3.

So the rules were suspended.

House bill No. 68. A bill authorizing Boards of County Commissioners in this State to make donations and receive subscriptions for the purpose of erecting a monument to the memory of those from their several counties who have lost their lives, and who may lose their lives in the present war for the restoration of the Union.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dykes, Gifford, Hyatt, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Brown of Wells, Corbin, English, Finch, Fuller, Jinkens, Marshall and Staggs—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed bills of the Senate, to-wit:

Engrossed Senate bill No. 156. An act to amend the fourteenth section of an act entitled "an act to limit the number of Grand Jurors, and to point out the manner of their selection," &c., &c.

Engrossed Senate bill No. 201. A bill to provide for the care and treatment of the incurable insane of the State of Indiana, and matters properly connected therewith.

Engrossed Senate bill No. 241. A bill to amend an amendment of an act entitled "an act in relation to witnesses, and to repeal section 238 of Article 13, of the act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings,' " &c., &c.

Engrossed Senate bill No. 300. A bill to amend the fifth section

of an act entitled "an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1852.

I am directed by the Speaker of the House to inform the Senate that he has signed the following enrolled acts of the House of Representatives, to-wit: Nos. 79 and 84; to which the signature of the President of the Senate is respectfully requested.

The hour having arrived for the special order, the Senate proceeded to consider House bill No. 40, in relation to the location of an Agricultural College.

Mr. Dunning offered the following amendments, by the unanimous consent of the Senate:

In section 1, line 9, after the word College, add:

"Upon condition that the citizens of said county shall, within three months from the passage of this act, convey to the Trustees of said College, by general warranty deed, a farm of one hundred and sixty acres of land, in the vicinity of the building of said University, and also donate to said Trustees the geological and mineralogical Cabinet of the late Dr. David Dale Owen, of New Harmony, Indiana; and the compliance, upon the part of said citizens of said county of Monroe, in so conveying said land, and donating said cabinet, shall be capital to the Governor of the State by said Trustees, and the said Governor shall, within ten days after receiving said certificate from said Trustees, issue his proclamation announcing that said citizens of Monroe county have complied with the terms of this act in reference to said grant and donation as aforesaid, and that said location of said Agricultural College is made complete and perfect."

In section 2, line 24, after the word "Trustees," strike out all the residue of said section, down to the word "all," line 30, and insert:

"Of said College shall consist of the Trustees of the Indiana University, increased to the number of thirteen, so that there shall be one Trustee from each Congressional District within the State, and two resident Trustees within the county of Monroe. Said Trustees shall be as follows, to-wit: First District, Henry K. Wise; Second District, John B. Winsteadly; Third District, Newton F. Malott; Fourth District, William T. S. Cornett; Fifth District, Lewis

Bark; Sixth District, William Hannaman; Seventh District, William K. Edwards; Eighth District, Samuel C. Wilson; Ninth District, David D. Pratt; Tenth District, Pliny Hoagland; Eleventh District, Samuel W. Gahil; Monroe county, James D. Maxwell and Nathaniel C. Browning. Said Trustees shall be classified into four classes, as follows: Those from the First, Fourth and Seventh Congressional Districts, shall constitute the First Class. Those from the Second, Fifth and Eighth Congressional Districts, the Second Class. Those from the Third, Sixth and Ninth Congressional Districts, the Third Class. And those from the Tenth and Eleventh Congressional Districts, and the Trustees from Monroe county, the Fourth Class. And their terms of service shall expire as follows: First Class within two; Second Class within three; Third Class within four, and Fourth Class within five years from the passage of this act. All vacancies which shall occur in said Board of Trustees, shall be filled by appointment by the State Board of Education, and shall continue as follows: When made to fill vacancies by reason of the expiration of the term of service, shall be four years. In all other cases, shall be for the unexpired term of service of the Trustees where vacancy is filled; so that one class of Trustees shall go out annually."

Strike out all of section three.

Strike out, in section nine, all after the word "purpose," in line 178.

In line 195, strike out the words, "section ten."

Mr. Hord moved to amend by striking out the name of Newton F. Mallott, and inserting in lieu thereof that of Thomas G. Lee.

Which was unanimously consented to.

Senate bill No. 40. An act to establish an Agricultural College wherein shall be taught such branches of learning as are related to agriculture, including the mechanic arts and military tactics; also, such other branches of science and literature as the General Assembly, or the Trustees shall direct, and to provide a Board of Trustees for its management.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Bonham, Bowman, Brown of Hamilton, Brown of

Wells, Cobb, Corbin, Cullen, Downey, English, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, Mason, Moore, Oyler, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams and Mr. President—27.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Carson, Culver, Davis, Dykes, Hanna, McClurg, Milliken, Newlin, Niles, Oyler, Reagan, Woods, and Wright—16.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Noyes, from the Committee on Claims, made the following report:

MR. PRESIDENT:

The Committee on Claims, to whom was referred the claim of Merrill & Co., for stationery amounting to \$39.40, have had the same under consideration, and have directed me to report the same back to the Senate, and recommend that it be referred to the Committee on Finance and allowed.

Which report was concurred in.

The hour having arrived for the special order, the Senate proceeded to consider House bill No. 123.

Engrossed House bill No. 123. A bill to declare forfeited the right of way of certain Railroad Companies, to branch roads no part of which has been completed, and upon which no work has been done for ten years, and declaring the right of way aforesaid shall revert to the land owners along the route thereof.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Mr. Bennett moved the previous question.

Which was seconded by the Senate.

The question being, shall the main question be now put?
It was so ordered.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were

Messrs. Barker, Beeson, Brown of Wells, Cason, Corbin, Cullen, Culver, Douglas, Finch, Fuller, Gifford, Hord, Hyatt, Jinkens, Marshall, McClurg, Moore, Newlin, Noyes, Oyler, Reagan, Staggs, Thompson, Van Buskirk, Nawter, Williams, Woods, Wright and Mr. President—28.

Those who voted in the negative were,

Messrs. Allison, Bennett, Bowman, Bradley, Cobb, Davis, Downey, Dykes, English, Hanna, Mason, Milliken, Richmond, Terry and Ward—15.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

A message from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate, that the House has passed the following engrossed bill thereof; to-wit,

Engrossed House bill No. 23. A bill entitled "an act to provide by law, for draining and ditching low, wet, and overflowed lands in the State of Indiana. Also,

That the House has passed engrossed Senate bill No. 216, entitled an act to repeal sections 43 and 44 of an act entitled "an act prescribing, who may make a will, &c.

I am further directed to inform the Senate, that the speaker has signed the following enrolled acts of the House of Representatives, to-wit.

Nos. 121, 196, 41, 86, 310, 231, to which the signature of the President of the Senate is requested.

Mr. Bradley, from the Committee of Free Conference, on House bill No. 285, made the following report:

MR. PRESIDENT:

The Committee of Conference, to whom was referred House bill No. 285, with the engrossed amendments of the Senate thereto, respectfully report that they have had the same under consideration, and recommend that all of said bill after the title to the same be stricken out, and the following amendments be inserted in lieu thereof.

A bill to provide a State Debt Sinking Fund for the payment of the principal and interest of the five and two and one-half per cent. stocks of the State therein named, and giving priority of payment to the holders of the two and one-half per cent. stocks of the State of Indiana, prescribing the duties of the Auditor, Treasurer, and Agent of State in relation thereto; providing for a clerk of said State Debt Sinking Fund, and fixing his salary; and providing a penalty for the violation of its provisions; abolishing the Board of Sinking Fund Commissioners, and all the offices connected therewith; and the office of the Agent of State in the city of New York, to invest the moneys belonging to the Sinking Fund in the Stocks of the State; transferring the business of said Board of Sinking Fund Commissioners to the Auditor and Treasurer of State, providing that the tax therein levied shall be taken and considered as part of the tax levied under an act entitled, "an act to raise revenue for State purposes, for the years one thousand eight hundred and sixty-five, and one thousand eight hundred and sixty-six," approved March 2, 1865, and declaring an emergency for the immediate taking effect of this act.

Section 1. *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of securing the prompt payment of the interest accruing on the certificates of Stock of the State of Indiana, bear five per cent., and two and one-half per cent. per annum interest, issued by authority of an act of the General Assembly of the State of Indiana, entitled, "an act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash & Erie Canal to Evansville," approved January 19, 1846, and an act supplemental thereto, approved January 27, 1847, and

S. J.—36

for the further purpose of securing the payment of the principal of said certificates of stock, except such as are held by the Sinking Fund Commissioners, at as early a day as practicable, there shall be levied and collected and paid into the State Treasury, in the same manner as other State taxes are levied, collected and paid over, for the year one thousand eight hundred and sixty-six, and for each and every year thereafter, until the interest and principal of said certificates of stocks are fully paid, the sum of ten cents on each one hundred dollars valuation of the taxable property of the State, which revenue, when so collected, together with all the money derived from the sale of the public works belonging to the State, and the net annual income from all such public works, and all the moneys now belonging to the State Debt Sinking Fund and Sinking Fund proper, or that may hereafter, from time to time, come into said funds; and all the moneys and funds properly belonging to either of said funds, shall be denominated the State Debt Sinking Fund; and all such moneys are hereby set apart for the payment of such principal exclusively, and shall not, under any circumstances, be drawn or paid out of the State Treasury for any other purpose whatever, and shall only be drawn or paid out of the State Treasury in payment of the principal of certificates of stock, in the manner in this act hereinafter prescribed; and it is hereby made the duty of the Auditor and Treasurer of State, upon the payment of any of the money arising from the provisions of this act, into the State Treasury, to pass the same to the credit of this fund on the books of their respective offices.

Sec. 2. Within twenty days after the passage of this act, it shall be the duty of the Auditor, Treasurer, and Agent of State to meet at the office of the Auditor of State, in the city of Indianapolis, and proceed to organize, and enter upon the discharge of the duties required of them by this act. They shall select for their clerk, the clerk having charge of the bank department in the office of the Auditor of State, who shall discharge his duties, as such clerk, in addition to the duties discharged by him as clerk in said bank department; and they shall keep a full and complete record of all their proceedings in a book to be provided for that purpose, and shall procure all books and stationary necessary in transacting the business required of them in a proper manner; and all their meetings shall be held at the office of the Auditor of State, in the city of Indianapolis, unless, in the opinion of the said Auditor, Treasurer, and

Agent of State, a special meeting may be deemed necessary to be held at some other place.

Sec. 3. The Auditor, Treasurer, and Agent of State shall, in the first week in January, in the year one thousand eight hundred and sixty-six, and the first week in January in every year thereafter, until the War Loan Bonds are redeemed, notify the holders of such bonds, that the Agent of State will be ready to pay the same to the extent of the amount of moneys on hand in the State Debt Sinking Fund, specially applicable by the law for the redemption of the War Loan Bonds, on the first of May succeeding such notice, at their par value, and require the holders thereof to notify the Agent of State, at his office, in the city of New York, on or before the twenty-fifth day of the succeeding March, of their acceptance of such proposition to pay the principal, and that on failure to give to the Agent of State such notice of acceptance, then the moneys of said fund remaining, after taking up so many of said bonds as the holders thereof shall have notified their acceptance of said proposition, shall, on the first day of May of each year, be used for the redemption of the certificates of stock, contemplated by the provisions of this act, provided, that nothing in this act shall be construed to embrace the War Loan Bonds held by the Sinking Fund Commissioners.

Sec. 4. The Auditor, Treasurer and Agent of State, shall meet in the city of Indianapolis on the first Wednesday of April, or as soon thereafter as practicable, in the the year one thousand eight hundred and sixty-six, and on the first Wednesday of April, or as soon thereafter as practicable, in every year thereafter, until the whole of the interest and principal of the Stocks mentioned in the first section of this act are paid, and proceed immediately to ascertain, as near as may be, the amount of money that will be in the Treasury on the fifteenth day of the succeeding June, subject by the provisions of this act to the payment of the interest and principal of said stocks, if any, they shall carefully determine what proportion or per centum of the principal of the certificates of stock mentioned in the first section of this act, the balance in the State Debt Sinking Fund in the Treasury will pay, and they shall set apart the same, and said officers of State shall then immediately notify the holders of such certificates of stock, by publication in two daily newspapers published in the city of New York, and two daily newspapers published in the city of Indianapolis, for ten consecutive days, that they will

pay, pro rata, *first*, to the holders of two and one half per cent. certificates of stock, the amount of money then on hand belonging to said fund, and after all of said two and one half per cent. stocks are fully redeemed, principal and interest, then to the holders of the five per cent. certificates of stock, after they are surrendered at the office of the Agent of State in the city of New York, and the Agent of State shall require of all the holders of said stock who desire to accept said proportion or per centum of the principal, to notify him at his office in the city of New York of such desire to accept, on or before the 20th day of June next, and on failure to give such notice, the money will be apportioned and paid over to such holders as do give the Agent of State the required notice. In case there is not a sufficient amount of certificates of the stock offered for redemption to absorb such balance of the State Debt Sinking Fund then on hand and set apart for such redemption of the principal of the certificates of stock, then, the Auditor, Treasurer and Agent of State, shall redeem any certificates of stock that may be offered until the State Debt Sinking Fund set apart as aforesaid shall be exhausted.

Sec. 5. That each and every person owning or holding any certificate of stock shall, on the surrender of the same to the Agent of State, under the provision of this act, receive a receipt from said Agent of State for the amount of any unpaid balance of the principal of such certificate, the Agent of State keeping a record thereof, and said Agent shall immediately forward such surrendered certificate of Stock, together with a certified statement of the amount paid thereon, and the amount remaining unpaid, to the Auditor of State, who shall cancel the said certificate of Stock, and issue a new certificate for such unpaid balance on the said certificate of stock, so cancelled, which new certificate of stock shall be signed, returned to the Agent of State and registered in all respects as is required by an act of the General Assembly of the State of Indiana in relation to the transfer of stocks, entitled "an act to provide for the transferring of the certificates of the stocks of the State of Indiana, providing for the registry of the same, and prevent a fraudulent issue thereof, and providing a punishment for the violation of the provisions of this act," approved March 5, 1859. The Auditor of State shall carefully register the said canceled certificates of stock in like manner as is required of the Agent of State, and preserve them until the next meeting of the General Assembly, when the Committee on Ways and Means of the House of Representatives, and the Committee on Finance of the Senate shall carefully compare the canceled certifi-

cates of stock with the register of certificates of stock issued, and if found correct, cause said canceled certificates of stock to be burned up in the presence of the Committees and the Auditor and Treasurer of State. An entry of such examination and burning shall be made on the register of the issue of said certificates of stock in the Auditor's office, and signed by the members of the Committees present. When a part of the principal of a certificate of stock is paid, and a certificate of stock is issued for the unpaid balance, the Agent of State shall enter in proper columns in his register, the number, and amount, and to whom issued, and date of issue; and in a column of remarks he shall state that the new certificate was given for the unpaid balance of a surrendered certificate, giving the number of the certificate surrendered and the number of the new certificate. The Agent of State shall transmit to the Auditor of State, on or before the first Wednesday in each month, a certified copy of his registry of such new certificates of stock in his office, stating their delivery or non-delivery.

Sec. 6. The books and papers of the Auditor, Treasurer and Agent of State, relating to the State Debt Sinking Fund, shall be kept in the office of the Auditor of State, and shall be subject to an inspection and examination, at any time, by a committee of the General Assembly, or either branch thereof, or by the Governor of the State, or by any person or persons he may appoint and commission for that purpose. Reports of all such examinations shall be made in writing, showing the condition of the books, the amount of the State Debt Sinking Fund in the Treasury, and especially whether any portion of said State Debt Sinking Fund has been paid out in violation of the provisions of this act. Said report or reports shall be made to the Governor by persons appointed and commissioned by him for such purpose, and the Governor shall lay such report or reports before the General Assembly, if in session at the time; if not, at the next session thereof.

Sec. 7. The Board of Sinking Fund Commissioners, and all the offices connected therewith, are hereby abolished from and after the 26th day of January, 1867; and all the property, of whatever kind, both real and personal, belonging to said fund, are hereby directed to be sold, on such terms, in such manner, and at such time as the said Sinking Fund Commissioners, during their continuance in office, and thereafter as the Governor, Auditor, Secretary and Treasurer of State shall deem for the best interest of said fund, and the moneys

arising therefrom shall be invested in the said stocks of the State, as in this act provided; and after the 26th day of January, 1867, the Board of Sinking Fund Commissioners shall surrender to the Auditor of State, all the books and papers, stocks, bonds, mortgages, moneys, rights, credits and effects belonging to said fund, who shall provide a suitable place for their safe keeping. From and after the last mentioned date, it shall be the duty of the Governor, Auditor, Secretary and Treasurer of State, to invest all the moneys arising from mortgaged premises, or from other sources belonging to said fund, as fast as they are due and collected, in the said 5 and $2\frac{1}{2}$ per cent. Stocks of the State.

Sec. 8. It is hereby made the duty of the Auditor, on the first day of July and January of each year, to issue his warrant to the Treasurer of State for the amount of interest due said Sinking Fund, on State Stocks held by said fund, and deliver the same to said Treasurer, taking his receipt for the amount of said warrant; and the said Treasurer shall then proceed to place to the credit of the School Fund, for the use of said fund, an amount of money equal in amount to said warrant, and which shall be distributed in accordance with the law. And for the perpetual preservation of the principal of said School and other trust funds, and for the punctual payment of the semi-annual accruing interest thereon, for the purposes contemplated in the creation of said fund, the faith of the State is hereby irrevocably pledged.

Sec. 9. At some convenient period, not to exceed fifteen days before the first days of July and January in each year, the Auditor of State shall draw his warrant on the Treasurer of State, requiring the Treasurer to transmit and pay into the hands of the Agent of State, in the City of New York, such sums of money belonging to the general fund in the Treasury, as may be necessary to pay the interest on the Certificates of Stock mentioned in this act. And also, a like warrant for the amount of the per centum on the principal of the Certificates of Stock by them determined to be paid in pursuance of the provisions of this act, payable out of the State Debt Sinking Fund, and shall deliver the warrants to the Treasurer of State, who shall at once transmit the money to the Agent of State, in the City of New York. The said Agent shall, immediately on receiving the money, enclose the Treasurer of State a receipt therefor: *Provided* That no more money shall be drawn for and transmitted to the Agent

of State, at any one time, than a sum sufficient to meet the aggregate amount of the interest then about to become due on the Certificates of Stock mentioned in this act, and the proportion or per centum of the principal of the Certificates of Stock determined to be paid under the provisions of this act.

Sec. 10. All necessary expenses incurred by the Auditor, Treasurer and Agent of State, in the purchase of books, stationery, exchange, and necessary traveling expenses, publishing notices, and other incidentals, shall, upon a succinct statement or statements being made in writing and approved by the Governor, together with the salary and expenses of the Agent of State now provided for by law, and the salary of the Clerk of the said State Debt Sinking Fund, shall be paid out of the general fund, provided for defraying the expenses of the State Government.

Sec. 11. The Clerk of the State Debt Sinking Fund shall receive for his services the sum of five hundred dollars per annum, payable quarterly.

Sec. 12. If any officer of State or other person or persons, shall hinder or attempt to hinder, obstruct, or attempt to obstruct any inspection or examination of the books and papers of the Auditor, Treasurer and Agent of State, relating to the State Debt Sinking Fund, or of the condition, character and amount of the State Debt Sinking Fund by Committees, or persons authorized by this act to make such inspection or examination, he or they so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof, by a court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars, nor more than one thousand dollars, and be imprisoned in the county jail of the proper county not less than three, nor more than twelve months, at the discretion of the court or jury trying the cause. All laws and parts of laws, coming in conflict with the provisions of this act, are hereby repealed.

Sec. 13. As soon as all the Certificates of Stocks of this State are redeemed and canceled, the State Agency in the City of New York shall be abolished, and all the books and papers belonging to said Agency shall be sent to, and deposited in the office of the Auditor of State, by said Agent, and all the furniture belonging to said Agency shall be sold by said Agent, and the moneys arising therefrom depos-

ited in the office of the Treasurer of State, to the credit of the State Debt Sinking Fund.

Sec. 14. It is believed by this General Assembly, that it is highly important for the best interests of the State that this act should now be in force. It is therefore hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore be in force from and after its passage and filing in the office of the Secretary of State.

Mr. Hord arose to a point of order, viz: The bill being in possession of the House, it is not competent for the Senate to act upon the amendment to the bill.

The President decided the point not well taken.

Mr. Hord submitted the following appeal:

House bill No. 285, having passed the Senate, and the bill being in the House, a committee of conference report amendments to the same, and the chair having decided that they were in order, appeal is taken to the Senate.

Mr. Bennett moved to lay the appeal on the table.

Messrs. Hord and Chapman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Downey, Dykes, Fuller, Gifford, Hanna, Hyatt, Marshall, Mason, Milliken, Newlin, Niles, Neyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—38.

Those who voted in the negative were,

Messrs. Barker, English, Finch, Hord, Moore, Staggs and Williams—7.

So the appeal lies upon the table.

The question being on concurring in the report and amendments of the Committee of Conference on House bill No. 285.

Mr. Bennett moved the previous question.

The question being, shall the previous question be seconded?

Messrs. Hord and Williams demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Cason, Chapman, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hanna, Hyatt, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods and Wright—34.

Those who voted in the negative were,

Messrs. Barker, Carson, English, Finch, Fuller, Hord, Marshall, McClurg, Mason, Moore, Staggs and Williams—12.

The President not voting.

So the previous question was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the report and amendments of the Committee of Conference.

Messrs. Hord and fuller demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, Gifford, Hanna, Hyatt, Mason, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—38.

Those who voted in the negative were,

Messrs. Barker, English, Finch, Fuller, Hord, Marshall, Moore, Staggs, and Williams—9.

So the report and amendments were concurred in.

The following message was received from the Governor, by his Private Secretary, Mr. Jacobs :

STATE OF INDIANA, EXECUTIVE DEPARTMENT, }
Indianapolis, December 20, 1865. }

To the Senate of Indiana :

Having approved House bill, No. 119, entitled “ an act to create a State Normal School, and declaring an emergency,” in pursuance of the second section of said act, I do hereby appoint, subject to the approval of the Senate, as members of the Board of Trustees of the Indiana State Normal School, the following named persons, viz :

Barnabas C. Hobbs, of Parke County,
William C. Hanna, of Laporte County,
Isaac Kinley, of Wayne County, and
John Ingle, Jr., of Vanderburgh County.

CONRAD BAKER,
Lieutenant Governor, acting as Governor of Indiana.

Mr. Cullen, from the Committee of Free Conference on the Soldiers' Relief Bill, asked and obtained leave to make the following report :

MR. PRESIDENT :

The Committee of Conference, to whom was referred Senate bill, No. 198, with the amendments of the House to the same—it being the second amendment of the House to the bill—have agreed upon the following basis of settlement of the differences between the Senate and House :

Strike out of the fourth line of the second amendment the word “ seven,” and insert in lieu thereof the word “ five,” and when so amended, recommend that the House and Senate concur therein.

Which report was concurred in.

Mr. Vawter asked and obtained leave to record his vote on House bill, No. 40.

He voted “ aye.”

Mr. Allison, from the Committee of Conference upon Senate bill, No 15, asked and obtained leave to make the following report :

MR. PRESIDENT:

The Committee of Conference, to whom was referred Senate bill, No. 15, "a bill appointing a commission to adjust the claims of citizens of Indiana for damages sustained by reason of the raid of rebel forces under the command of John Morgan, in July, 1863, and Adam Johnson, in the summer of 1864, prescribing some of his powers and duties, and providing for the payment of the claims adjusted by the Commissioner, and matters properly connected therewith," have had the same under consideration, and have directed me to report the same back, with the following amendments, viz :

1st. That the Senate recede from its refusal to concur in the first engrossed amendment, with an amendment so as to provide for the appointment of two Commissioners.

2d. That the Senate recede from its refusal to concur in the engrossed amendments of the House to Sections 2, 3, 8, 9, 10 and 11, with an amendment striking out "1865," wherever it occurs, and inserting "1866," and strike out of the amendment to the 8th section the words "or a majority thereof."

3d. That the House recede from its amendment to Section 5.

4th. That the Senate recede from its refusal to concur in the engrossed amendment of the House proposing additional Section 16, and to the engrossed amendment of the House to the title of the bill.

Mr. Bennett moved to lay the report on the table.

Which was agreed to.

Mr. Mason, from a select committee, asked and obtained leave to make the following report :

MR. PRESIDENT:

The Committee on Enrolled Bills, to whom was referred Senate bill, No. 314, entitled "an act authorizing the Board of Sinking Fund Commissioners to invest any moneys belonging to said fund in the Indiana State Bonds, or Stocks, or United States stocks, and when invested in Indiana State Bonds or Stocks, to provide for the cancellation of such bonds or stocks, and for the issuing of new

non-negotiable bonds, for the benefit of the School Fund," have examined the engrossment of the same and find it properly engrossed.

Mr. Mason made the following report :

MR. PRESIDENT :

The Committee on Enrolled Bills, to whom was referred Senate bill, No, 196, entitled "an act concerning the writ of habeas corpus," have examined the same, and instruct me to report that the same has been properly enrolled.

Mr. Gifford moved to take up Senate bill, No. 317.

Which was agreed to.

Senate bill No. 317. An act to legalize bonds, issued by Boards of County Commissioners made to drafted men, who entered into or procured substitutes, to enter the military service of the United States.

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Barker, Bowman, Bradley, Carson, Douglas, Downey, English, Fuller, Gifford, Hanna, Marshall, McClurg, Mason, Moore, Newlin, Stagg, Vawter, Williams and Mr. President—19.

Those who voted in the negative were,

Messrs. Allison, Beeson, Bennett, Bonham, Brown of Hamilton, Brown of Wells, Cason, Chapman, Cullen, Davis, Dykes, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Van Buskirk, Ward, Woods and Wright—22.

So the bill did not pass for want of constitutional majority.

Mr. Bradley asked and obtained leave to read his vote on House bill No. 40.

Mr. Bradley voted "aye."

Mr. Van Buskirk voted "no" on the same question.

A message from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the Speaker has signed the following enrolled acts of the House of Representatives No's. 88, 276, 270 and Joint Resolution No. 20 of the House of Representatives.

To all of which the signature of the President of the Senate is respectfully requested.

And that the House has concurred in the amendments of the Senate to House bills Nos. 278 and 280.

And that the House has passed Senate bill No. 223 (without amendments,) entitled "a bill to authorize married women under the age of twenty-one years, to join in the conveyance of Real Estate in certain cases, &c.

Also, that the House has passed engrossed Senate bill No. 233 (without amendments,) entitled as follows, "an act to enable any child heretofore adopted or which may be hereafter adopted, by any person under the laws of any State in the United States, to take and hold real estate in this State, as if the child had been adopted under the laws of, and within the State of Indiana.

Mr. Ward, from the Committee on Corporations, asked and obtained leave to make the following report.

MR. PRESIDENT :

The Committee to whom was referred House bill No. 207, have had the same under consideration and have directed me to report the following amendment as an additional section :

Sec. 8. It is declared that an emergency exists for the immediate taking effect of this act; therefore the same shall be in force from and after its passage; and when so amended they recommend its passage.

Which report was concurred in.

Mr. Vawter moved to consider House bill No. 207, and the amendment proposed, as engrossed, and that it be read a third time now.

Which was agreed to.

Engrossed House bill No. 207. A bill regulating Foreign Insurance Companies doing business in this State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Brown of Hamilton, Cason, Chapman Cullen, Culver, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hyatt, Marshall, McClurg, Mason, Milliken, Moore, Noyes, Oyler, Reagan, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—33.

Those who voted in the negative were,

Messrs. Bradley, Cobb, Hord, Niles, Staggs, Vawter and Williams—7.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Chapman, from the Committee on Finance, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Finance, to whom was referred House bill No. 329, "making general appropriations for the year 1866," have had the same under consideration, and have directed me to report the same back with the following amendment, and after being so amended, recommend its passage.

Which report was concurred in.

House bill No. 329 was read a third time and informally passed.

A message from the House, by Mr. Nixon, their Clerk:

MR. PRESIDENT:

I am directed by the House of Representatives to inform the

Senate that the House has passed engrossed Senate bill No. 93, with the accompanying amendments, in which the concurrence of the Senate is respectfully requested.

Mr. Williams moved to take up House bill No. 95.

Which was agreed to.

House bill No. 95. A bill to enable railroads to make local alterations in their lines in certain cases.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Corbin, Davis, Downey, Dykes, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Marshall, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—41.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Wright, from the Committee on Roads, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred House bill No. —, entitled "an act to provide for locating and working highways situated upon, contiguous to, or near by county lines," have had the same under consideration, and have directed me to report the same back, and recommend that it lie in the table, as they deem the legislation asked for in this bill inexpedient.

Which report was not concurred in.

Engrossed House bill No. 164. A bill to provide for locating and working highways situated upon, contiguous to, or near by county lines.

Was read a third time.

The question being, shall said bill pass?

Those who voted in the affirmative were,

Messrs. Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Downey, English, Finch, Fuller, Gifford, Hanna, Hord, Hyatt, Marshall, McClurg, Mason, Moore, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Thompson, Vawter, Williams, Woods and Mr. President—36.

Those who voted in the negative were,

Messrs. Allison, Davis, Milliken, Terry, Ward and Wright—6.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Mason from the Committee on Enrolled Bills, asked and obtained leave to make the following report:

MR. PRESIDENT:

The Committee on Enrolled Bills beg leave to report that they have examined Senate bill No. 193, and find it properly enrolled.

Which report was concurred in.

Mr. Wright moved that when the Senate adjourn, it be to meet to-night at 7 o'clock.

Which was agreed to.

On motion by Mr. Wright, the Senate adjourned.

7 O'CLOCK P. M.

The Senate met.

Mr. Cobb from the Committee on the Judiciary, made the following report :

MR. PRESIDENT :

The majority of the Committee on the Judiciary, to whom was referred House bill No 211, entitled, "an act to enable common carriers to dispense of unclaimed freight and baggage," have had the same under consideration, and have directed me to report the same back to the Senate, and recommend its passage.

Mr. Vawter moved a call of the Senate.

Those who answered to the call of their names were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Davis, Douglas, Dykes, English, Fuller, Gifford, Hyatt, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Van Buskirk, Vawter, Ward, Woods, Wright and Mr. President—36.

Mr. Allison moved to dispense with the further call of the Senate. Which was agreed to.

A message from the House, by Mr. Nixon, their clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following enrolled acts of the Senate, to-wit :

Engrossed Senate bill No. 281. An act to amend an act entitled, "an act to fix the amount of the salary of the State Librarian, and repealing all laws conflicting therewith, and to dispense with an assistant librarian and clerk," approved March 4, 1859, to which the
S. J.—37

House has attached the accompanying amendments, in the passage of which, the concurrence of the Senate is respectfully asked.

Engrossed Senate bill No. 199. An act to amend an act to incorporate the Indianapolis Insurance Company, approved February 8, 1836.

Engrossed Senate bill No. 114. An act to amend section 38 of an act entitled, "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

I am further directed to inform the Senate that the Speaker has signed the following enrolled acts of the Senate, to-wit: Nos. 196 and 314.

Engrossed Senate bill No. 187. A bill to amend sections 3 and 23 of an act entitled "an act to reduce the law incorporating the City of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved Feb. 14, 1848, and declaring an emergency.

Engrossed Senate bill No. 206. An act supplemental to "an act to authorize, regulate, and confirm the sale of railroads, to enable purchasers of the same to form corporations, and exercise corporate powers, and to define their rights," &c.

Enrolled Senate bill No. 284. "An act to prevent unauthorized printing at the expense of the State.

And that the Speaker has signed enrolled acts of the House of Representatives, to-wit, Nos. 68, 117 and 256; and the same are respectfully submitted to the President of the Senate for his signature.

Mr. Bennett moved to take up the message just read.

The question being on concurring in the amendments proposed by the House,

They were concurred in.

Mr. Cason, from the Judiciary Committee, made the following report:

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred concurrent

resolution concerning the Terre Haute and Richmond Railroad, have had the same under consideration, and have directed me to report said resolution back with the following amendments, and, after being so amended, recommend its passage:

Amend by striking out the words "at its present," after the word "Legislature," in the first line of page five, and insert the following words, "on the first day of the next."

And strike out all of said resolution after the word "railroad," in tenth line of fifth page, the same being that part of the resolution relating to the appointment of a committee.

Which report was concurred in.

The question being on the adoption of the resolution as amended,

Messrs. Corbin and Moore demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Barker, Bennett, Bonham, Bowman, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Douglas, Downey, Dykes, Fuller, Gifford, Hyatt, Marshall, McClurg, Milliken, Moore, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Williams, Woods, Wright and Mr. President—39.

Those who voted in the negative were,

Messrs. English, Hanna and Newlin—3.

So the resolution was adopted.

Mr. Terry, from the Committee on Roads, made the following report:

MR. PRESIDENT:

The Committee on Roads, to whom was referred House bill No. 206, entitled "an act to provide for the erection and repair of bridges, and to repeal an act entitled 'an act to provide for the erection and repair of bridges,'" approved May 12, 1852, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

House bill No. 206 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Bennett, Brown of Wells, Carson, Cason, Cobb, Douglas, Dykes, Marshall, Niles, Noyes, Reagan, Richmond, Staggs, Terry, Ward, Williams, Woods and Wright—19.

Those who voted in the negative were,

Messrs. Barker, Beeson, Bonham, Bowman, Brown of Hamilton, Chapman, Cullen, Davis, Downey, English, Fuller, Gifford, Hyatt, McClurg, Milliken, Moore, Oyler, Thompson, Van Buskirk, Vawter and Mr. President—21.

So the bill failed to pass for want of a constitutional majority.

Mr. Cobb moved to take up House bill No. 211.

Which was agreed to.

Engrossed House bill No. 211. A bill to enable common carriers to dispose of unclaimed freight or baggage.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Cobb, Corbin, Davis, Douglas, English, Hanna, Marshall, McClurg, Newlin, Niles, Richmond, Staggs, Van Buskirk, Ward, Wright and Mr. President—25.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Chapman, Cullen, Downey, Dykes, Fuller, Gifford, Hyatt, Milliken, Moore, Noyes, Oyler, Reagan, Terry, Thompson, Vawter, Williams and Woods—15.

So the bill did not pass.

A message from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed to inform the Senate that the House has concurred

in the report and recommendations of the Free Conference Committee, on House bill No. 285.

Engrossed House bill No. 299. A bill to legalize the official acts of certain officers therein named, and the acts of their deputies as such, while the principals were performing military service in the army of the United States.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Culver, Davis, Douglas, Dykes, Marshall, McClurg, Milliken, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Vawter, Ward, Woods, Wright and Mr. President—32.

Those who voted in the negative were,

Messrs. Cullen, Downey, English, Fuller, Gifford, Hyatt, Moore, Newlin and Williams—9.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Cullen moved to take up House bill No. 237.

Which was agreed to.

Engrossed House bill No. 237, an act to amend section thirty-five (35) of "an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and prescribing the fees for certain officers therein named and for the establishment, and regulation of Township Libraries, and to repeal all laws inconsistent therewith, providing penalties therein prescribed, approved March 6, 1865.

Was read a third time.

Mr. Van Buskirk moved to recommit with instructions.

Mr. Cullen moved to lay the motion on the table.

Messrs. Van Buskirk and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cobb, Corbin, Cullen, Downey, Dunning, Dykes, English, Fuller, Gifford, Hanna, Hord, Marshall, Milliken, Moore, Newlin, Staggs, Terry, Vawter, Williams, Woods, and Wright—28.

Those who voted in the negative were,

Messrs. Bennett, Cason, Chapman, Davis, Douglass, Hyatt, McClurg, Oyler, Reagan, Richmond, Thompson, Van Buskirk and Ward—14.

So the motion to recommit lies on the table.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Wells, Carson, Cobb, Cullen, Downey, English, Fuller, Gifford, Hanna, Marshall, McClurg, Milliken, Moore, Newlin, Niles, Richmond, Staggs, Terry, Thompson, Vawter, Williams, Woods, Wright and Mr. President—30.

Those who voted in the negative were,

Messrs. Bennett, Cason, Chapman, Corbin, Culver, Davis, Douglas, Dykes, Hyatt, Oyler, Reagan, Van Buskirk and Ward—13.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the Speaker has signed enrolled acts of the Senate, Nos. 114, 199, 223 and 284.

And, that the House has agreed to the recommendations made by the Committee of Conference of both Houses on Senate bill No. 198.

And, that the House has passed the following engrossed bill thereof: No. 320, entitled "a bill to regulate swing bridges across the several canals, feeders, rivers and streams in this State," in which the concurrence of the Senate is requested.

Also, that the House has passed, without amendments, engrossed Senate bill No. 215, entitled "a bill to amend section 77 of an act entitled 'an act to revise, simplify and abridge the rules, practice,' " &c., &c.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives, to inform the Senate that the House has concurred in engrossed amendments of the Senate to House bill No. 277.

And I am further directed to inform the Senate that the Speaker has signed enrolled Senate bill No. 103.

Mr. Chapman, from the Committee on Finance, made the following report :

MR. PRESIDENT :

The Committee on Finance, to whom was referred House bill No. 328, making specific appropriations for the year 1866, have had the same under consideration, and have directed me to report the same back, with the following amendments, and after being so amended, recommend its passage.

House bill No. 328. An act making specific appropriations for the years 1859, 1861, 1863, 1865 and 1866.

Was read a third time.

Mr. Vawter offered the following amendment :

Sec. —. That there be appropriated unto Alfred Williams, late Treasurer of Brown county, the following sums, due from him unto the State of Indiana, to-wit : To the State Fund, the sum of nine hundred and eight dollars and eighty cents, and the sum of three hundred and seventy-one dollars and one cent to the Sinking Fund ; said allowances being the amount feloniously taken from his office, without any fault or connivance of his.

Mr. Niles offered the following resolution :

Resolved, That the Principal Secretary of the Senate be, and is hereby authorized to employ sufficient enrolling clerks for enrolling Senate bills, as he may find necessary.

Which resolution was adopted.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has concurred in the amendments of the Senate to engrossed House bill, No. 207, and that the House has passed, without amendments, the following engrossed bills of the Senate, to-wit :

Engrossed Senate bill, No. 227. A bill for the relief of Isaac D. Armstrong, Treasurer of the county of Clinton, in the State of Indiana.

Engrossed Senate bill, No. 249. A bill defining the powers of companies organized to construct canals for hydraulic purposes.

Engrossed Senate bill, No. 303. A bill to legalize and declare valid and effectual all the orders, judgments, and other proceedings made, rendered, and had by, and before the Court of Common Pleas of Whitley County, &c.

Engrossed Senate bill, No. 313. A bill to amend the first and fourth sections of an act entitled "an act to reorganize the Evansville Insurance Companies."

And that the Speaker has signed enrolled acts of the House of

Representatives, to-wit: No's 255, 263, and the President of the Senate is requested to sign the same.

The question being on the adoption of the amendment of Mr. Vawter,

It was not adopted.

Mr. Cobb offered the following :

Amend by inserting "\$2,300 for John Holbert, late Treasurer of Martin County.

Mr. Cullen moved to lay the amendment on the table.

Which was agreed to.

Mr. Dunning offered a resolution allowing the Pages of the Senate \$2.50 per day.

Which was adopted.

The question being on the passage of the bill.

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Cullen, Culver, Davis, Douglas, Dykes, English, Gifford, Hanna, Hyatt, Marshall, McClurg, Milliken, Newlin, Niles, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Van Buskirk, Ward, Woods, Wright and Mr. President—37.

Those who voted in the negative were,

Messrs. Corbin, Downey, Fuller, Moore, Noyes and Vawter—6.

So the bill passed.

The question being, shall the title of the bill stand as read ?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill, No. 329, was taken up.

The amendments proposed by the Committee were read and adopted.

Mr. Oyler offered the following :

Amend by striking out "eight" and inserting "twelve," in the provisions for the salary of State Librarian.

Add the following as an additional section :

That the sum of two hundred dollars is hereby appropriated for extra services to the State Librarian, for the year 1865.

Which was adopted.

Mr. Corbin offered the following :

Amend Section 23, so as to repeal Sections 61, 62, 63, 64, 65, 66, 67 and 68 of said act.

Which amendment was adopted.

Mr. Cobb offered the following :

Amend by striking out all that relates to appropriations for the Northern State prison.

Mr. Cason moved to amend by striking out all in relation to the Southern prison.

The question being on the adoption of Mr. Cason's amendment,

Mr. Cullen moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

Mr. Bennett asked a division of the question.

The question being on striking out all relating to the Northern Prison.

Messrs. Vawter and Niles demanded the ayes and noes.

Pending the vote, the following message was received from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the

Senate that the House has passed the following engrossed bill of the Senate, No. 205, with amendments of the House thereto, in the passage of which the concurrence of the Senate is respectfully asked:

And that the House has passed the following engrossed bill of the Senate without amendments, to-wit: No. 219 entitled "an act defining who shall be competent witnesses to testify in any court or Judicial proceeding in this State, and to repeal all laws or parts of laws in conflict with the provision of this act."

And that the Speaker has signed enrolled acts of the House of Representatives, to-wit: No's. 95, 123, 189, 253, 280, 279, and the President of the Senate is respectively requested to sign the same.

And that the Speaker has signed enrolled acts of the Senate No's. 206 and 281.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Cullen, Dykes, English, Fuller, Hyatt, Moore, Staggs, Vawter, Williams and Mr. President—19.

Those who voted in the negative were,

Messrs. Bonham, Brown of Hamilton, Carson, Cason, Chapman, Davis, Douglas, Downey, Gifford, Hanna, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—24.

So the words were not stricken out.

The question being on Mr. Cason's amendment, viz: to strike out all relating to the Southern Prison.

Messrs. Cobb, and Brown of Wells, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Dykes, English, Fuller, Marshall, Moore, Staggs, Thompson, Vawter and Mr. President—19.

Those who voted in the negative were,

Messrs. Brown of Hamilton, Carson, Cason, Chapman, Cullen,

Davis, Douglas, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Ward, Woods and Wright—23.

So the amendment was not adopted.

House bill No. 329. An act making general appropriations for the year 1866, repealing certain sections of an act therein named and declaring an emergency.

Was read a third time.

The question being on the passage of the bill.

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bonham, Brown of Hamilton, Carson, Cason, Chapman, Davis, Douglas, Downey, Dykes, Fuller, Gifford, Hanna, Hyatt, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods and Wright—29.

Those who voted in the negative were,

Messrs. Bennett, Bowman, Bradley, Brown of Wells, Cobb, Corbin, Cullen, English, Marshall, Moore, Staggs, Vawter and Mr. President—13.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

House bill No. 211. A bill to enable common carriers to dispose of unclaimed freight or baggage.

Was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Cullen, Dykes,

Gifford, Hanna, Marshall, McClurg, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Thompson, Ward, Woods, Wright and Mr. President—31.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Corbin, Downey, English, Fuller, Hyatt, Moore and Vawter—9.

So the bill passed.

Mr. Bonham moved to take up the message on House bill No. 205 with engrossed amendments.

Which was agreed to, and the amendments were concurred in.

On motion,

Senate bill No. 93 was taken up and amendments concurred in.

Mr. Carson moved to take up House bill No. 320.

Which was agreed to.

Engrossed House bill No. 320. A bill to regulate swing bridges across the several canals, feeders, rivers and streams in this State, and prescribing a penalty for injuring the same, or interrupting the free passage thereof, and matters properly connected therewith, and declaring an emergency.

Was read a first time.

Mr. Carson moved to suspend the constitutional provision, requiring the bill to be read by sections on three several days.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Downey, Dykes, English, Fuller, Gifford, Hanna, Hyatt, Marshall, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Vawter, Ward, Woods, Wright and Mr. President—37.

So the constitutional provision was suspended.

Mr. Bennett moved to suspend the rules, and read the bill a third time now.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman,

Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Downey, Dykes, English, Fuller, Gifford, Hanna, Marshall, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—38.

None voting in the negative.

So the rules were suspended.

House bill No. 320 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Downey, English, Fuller, Gifford, Hanna, Hyatt, Marshall, Milliken, Moore, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—39.

None voting in the negative.

So the bill passed.

The question being, shall the title of the bill stand as read?

It was so ordered.

Ordered, That the Secretary inform the House thereof.

Mr. Chapman moved to take up House bill No. 187.

Which was agreed to.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Cason, Chapman, Davis, Dykes, Gifford, Milliken, Niles, Noyes, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—18.

Those who voted in the negative were,

Messrs. Barker, Bennett, Bradley, Brown of Hamilton, Brown of Wells, Cobb, Cullen, Downey, English, Fuller, Hanna, Hyatt, Marshall, Moore, Newlin, Oyler and Staggs—17.

So the bill did not pass for want of a constitutional majority.

Mr. Cobb moved to lay House bill No. 186 on the table.
Which was agreed to.

Mr. Cullen moved to reconsider the vote taken on the passage of House bill No. 187, in which it failed to pass.
Which was agreed to.

House bill No. 187 was read a third time.

The question being on the passage of the bill,

Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Allison, Beeson, Bennett, Bonham, Bradley, Brown of Hamilton, Cason, Chapman, Cobb, Cullen, Davis, Downey, Dykes, Gifford, Hyatt, Milliken, Newlin, Niles, Noyes, Oyler, Reagan, Richmond, Terry, Thompson, Ward, Woods, Wright and Mr. President—28.

Those who voted in the negative were,

Messrs. Barker, Brown of Wells, Corbin, English, Fuller, Hanna, Moore and Staggs—8.

So the bill passed.

The question being, shall the title of the bill stand as read?
It was so ordered.

Ordered, That the Secretary inform the House thereof.

A message from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT:

I am directed by the House of Representatives to inform the Senate,

that the Speaker has signed the following enrolled acts of the House : Nos. 237, 164, 277, 278 and 299 ; and enrolled acts of the Senate, Nos. 187, 227, 303, 219, and 313.

Mr. Cullen moved to recede from the amendments which were not concurred in by the House.

Which was agreed to.

The question being on concurring in the amendments of the House, The amendments were agreed to.

Mr. Thompson moved to take up a petition in reference to House bill No. 135.

Which was agreed to.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has concurred in all the amendments of the Senate to House bill No. 328, entitled " a bill making specific appropriations for the years 1859, 1861, 1863, 1865 and 1866," except sections 59 and 73 of said amendments thereto, in which the House has refused to concur ; and the House has passed the following engrossed amendments of the House to said Senate amendments, in which the concurrence of the Senate is respectfully requested.

Mr. Thompson moved that the vote be reconsidered, by which the Senate refused to pass House bill No. 135.

Which was agreed to.

The question being on the passage of the bill,

Shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Davis, Dykes, Fuller, Gifford, Hanna, Hyatt, McClurg, Newlin, Noyes, Oyler, Reagan, Richmond, Thompson, Vawter, Wright and Mr. President—29.

Those who voted in the negative were,

Messrs. Bonham, Cullen, English, Milliken, Moore, Staggs, Terry and Ward—8.

So the bill passed.

Mr. Bennett moved to amend by allowing the Military Committee to sit till the 1st of April, 1865.

Mr. Chapman moved to lay the motion on the table.

Which was agreed to.

The following message was received from the House by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following engrossed Senate bills Nos. 269 and 175 :

The question being in concurring in Senate amendments to Senate bill No. 329.

Messrs. Vawter and Bennett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Allison, Barker, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Davis, Dykes, English, Gifford, Hanna, Hyatt, Niles, Noyes, Oyler, Reagan, Richmond, Staggs, Terry, Thompson, Ward and Wright—30.

Those who voted in the negative were,

Messrs. Brown of Wells, Moore, Newlin and Ward—4.

So the amendments were concurred in.

Mr. Beeson offered the following resolution :

Be it resolved by the Senate (the House of Representatives concurring therein,) That this General Assembly will, on Friday next, at ten o'clock, adjourn sine die.

Which resolution was adopted.

Mr. Bennett moved to reconsider the vote on the adoption of Mr. Beeson's resolution.

Which was agreed to.

Mr. Bennett moved to lay the resolution on the table.

Which was agreed to.

Mr. Cobb moved to adjourn.

Which was lost.

The following report was received from the State Librarian :

OFFICE OF STATE LIBRARIAN, }
Indianapolis, Dec. 20, 1865. }

To the President and Members of the Senate :

GENTLEMEN :—In accordance with the resolution of your honorable body, I herewith transmit to you my report of the Stationery Account of the Officers and Members of the Senate.

From the fact that purchases have been made for both branches of the General Assembly, the bills have been furnished to either House, dividing, as near as possible, the *pro rata* expenses of both bodies. Many items upon the bills of Stationery furnished the Committee of the Senate, were used by the House, and *vice versa*, many articles upon bills presented to the House have been used by the Senate. Duplicate copies of all Stationery bills are filed in the Library.

You will find in the accompanying Tables the various articles furnished to Members, each article under its appropriate head, and the total amount carried out.

It will be seen that the most rigid economy has been observed on the part of the officers of the Senate, the amount of stationery, etc., used by them during the session being but \$243.64.

We have kept a faithful record of the account of each member, which can be seen in the Library by any who may wish to examine our books.

Thankful for the expressions of good will received at your hands, and the free and friendly feeling that has existed between us in our mutual relations,

I am, as ever,

Respectfully yours,

B. F. FOSTER,

State Librarian.

MEMBERS OF THE SENATE.

	Legal Cap Paper.	Foolscap Paper.	Comm. Letter Paper.	Comm. Note Paper.	Legal Envelopes.	Buff Letter Paper.	White Letter Paper.	Legal Pencils.	Pen Holders.	Steel Pens.	Gold Pens.	Two-cent Stamps.	Three-cent Stamps.	Ink.	Blotting Pad.	Mucilage.	Ink Stands.	Erasers.	Stationery at Merrill's.	Gavin & Mord.	Total.
Allison, James V.				1 25		20					7 50	50 2 50	50 2 50	1 00							\$5 45
Barber, James												3 00	3 00						12 50		23 00
Beecon, Otinoid		50						0				2 00	2 00								4 00
Bennett, Thomas W.	11 40		8 50		10							2 00	2 00								23 00
Bonham, William A.	1 20	75	25	25	50	40	2	20 5	50			1 00	1 00	1 50					12 00		23 05
Bowman, John A.											10 00	1 00	2 00						10 0		23 00
Bradley, Augustus												10 00	1 00								16 27
Brown, D. R.	1 20	1 00	90							12	8 00	1 00	1 50						6 12		23 00
Brown, George S.				3 70			60					8 00	1 20	1 80						12 00	23 00
Carson, W. W.											8 00	1 20	1 80						8 00	12 00	23 00
Cason, T. J.	2 40	1 00	90		2			30 05	25			3 00	3 00						14 20		23 00
Chapman, Charles W.	1 20		45						10	12		3 00	3 00	45					5 58	12 00	23 00
Cobb, Thomas E.	1 20		90								7 50	2 00	1 00						10 30		23 00
Corbin, Horace												3 00	3 00						20 00		23 00
Cullen, W. A.											10 00	1 00	1 00								23 00
Culver, Moses C.	3 00		1 3	1 00								4 00	4 00								18 35
Davis, O. P.	1 80	50	45	25	25	20		30 10	1		10 00	1 00	1 38								6 47
Douglas, A. J.			1 80	75		85	1 00	10 10		2		1 02	1 98						19 50	12 00	23 00
Downey, A. C.	10 00		4 13	80	17	40	40	30 00	25			1 02	1 38	30					39 41		23 00
Dunning, Paris C.	6 38			50		40	40	60 05	25			3 00	3 00	50							23 00
Dykes, Robert		65	50	6 05	50	40	40	60 05	25			6 00	2 00	1 00	2 10				1 00		23 00
English, Eliza G.						40	40			25	10 00	2 00	1 00								13 00
Finch, G. W.		13 75		2 50		40	20	40	25			3 00	3 00								20 20
Fuller, B. G.												2 00	1 74						8 00	12 00	23 00
Gaff, J. W.		3 00	4 25	4 40	25	1 07	00	10 10	10			3 00	3 00	40					6 97		23 00
Gifford, Thomas	6 00		4 13	2 50		40				05	7 50	2 00	1 50						7 05		23 00
Hanna, Bayless W.	12 00											3 00	3 00						12 00		23 00
Hord, Francis T.	1 80	2 50	1 80	50	25	20	10 30	30				3 00	3 00								23 00
Hyatt, William	5 00		8 50	5 00		25	50	10	65			1 00	2 00								23 00
Jenkins, Henry									20	25		3 00	3 00						12 00		15 43
Marshall, John D.	12 00		4 13	3 40		47						3 00	3 00								23 00
Mason, James L.	6 00		12 40									3 00	3 00								23 30
McClung, Leander		5 00	8 50	4 00		1 20	1 30					3 00	3 00								20 00
Miliken, Joseph												3 00	3 00								

Stationery Account of Senate Committees.

SENATE COMMITTEES.

	Legal Cap Paper.	Foolscap Paper.	Congress Letter Paper.	Commercial Note Paper.	Legal Envelopes.	Buff Letter Envelopes.	White Letter Envelopes.	Lead Pencils.	Pen Holders.	Steel Pens.	Blotting Pads.	Ink.	Ink Stands.	Record Book.	Total.
Committee on Organization of Courts—Oyster.....	\$6 00	\$4 50	2 70	50	25	60		50							\$15 05
Committee on Corporations—Ward.....	1 20	2 00	1 80	2 50	1 00	40	40	50	10	25	10	75	45		11 45
Committee on Elections—Cullen.....	4 20	3 50	2 50	75	1 00	40	40	50	70	70	10	40			14 45
Committee on Rights and Privileges—Mulliken.....	4 20		3 15	1 75	70	1 20	50	70	11	1 25					13 06
Committee on Street Railways—Brown.....	6 00							20	65	25					1 10
Committee on County and Township Business—Richmond.....	1 80	1 50		75	25	40		30	10	25		75	50		6 60
Committee on Phrasology and Arrangement—Downey.....	3 00	1 00	1 35	50	50	40	40	50	10	25	10		50		8 80
Committee on Claims—Noyes.....	2 00	2 00	2 80	1 00										2 00	8 80
Committee on Military Affairs—Bennett.....	6 00														6 00
Committee on Roads—Wright.....	2 40	1 00		1 00	25			50							5 15
Committee on Benevolent Institutions—Thompson.....	4 80	1 50	1 35	2 75		80	1 00	1 00	20	1 00		20	1 50		16 60
Committee on Federal Relations—Cason.....	5 00				25										5 25
Total.....															\$112 31

RECAPITULATION.

Total amount of stationery furnished to the Clerks of the Senate.....	\$243 64
Amount drawn by Clerks of the Senate on private account, including stamps.....	25 60
Amount drawn by Doorkeeper, including stamps.....	13 00
Amounts drawn by the Committee of the Senate.....	112 31
Amount of stationery and stamps drawn by the members of the Senate	1,019 58
Amount drawn by President of the Senate for use of his Clerk.....	4 05
Total.....	<u>\$1,418 18</u>

To meet the above expense I have furnished to the Committee on Claims the following bills of stationery, etc.:

November 25, stationery at Merrill & Co.'s.....	\$309 45
December 12, " " "	340 17
" 18, " " "	93 12
" 19, " " "	315 60
" 20, " " "	39 40
" 20, " " "	62 61
" 20, " H. C. Chandler & Co.....	50 87
Money drawn from Treasury for postage stamps.....	200 00
Total	<u>\$1,411 20</u>

We had on hand in the Library, in the beginning of the session, a large amount of stationery, turned over by the Clerks of the last General Assembly. This we exhausted before making any purchases. The combined amount of stationery, etc., furnished both branches is \$3,271.49. The amount purchased, as per bills rendered, is \$2,744.85. Thus leaving \$526.64 furnished from paper on hand.

We have also on hand in the Library about \$200.00 worth of stationery, which, in addition to that furnished the members at the opening of the session, will make near \$1,000 worth furnished from amount of stationery on hand.

Trusting that the above statement of the Stationery Account of Officers and Members will prove satisfactory to your honorable body.

I am, as ever, respectfully yours,

B. F. FOSTER, *State Librarian.*

Mr. Bennett offered the following resolution :

Resolved, That the thanks of the Senate are due to B. F. Foster, State Librarian, for the excellent manner in which he has performed his duty in reference to furnishing Stationary to the Senate.

Which resolution was adopted.

The following message was received from the House by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House to inform the Senate that the House has concurred in the amendments of the Senate to House bill No. 329, general appropriation bill, and the House has passed the accompanying amendments thereto, in which the concurrence of the Senate is asked.

1st. Insert after the word "words" in the fourth line of section eight "ten cents, except the first copy of the tax duplicate, for which there shall be allowed fifteen cents per hundred words."

2d. In the sixth line of the 10th section, strike out the word "five" and insert the word "four."

The amendments were concurred in.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed to inform the Senate that the Speaker has signed House bill No. 211, to which the signature of the President is respectfully requested.

A message from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the House has passed Senate bill No. 270, with the accompanying amendments :

I am also directed to inform the Senate that the Speaker has signed

enrolled acts of the Senate Nos. 249, 205, 93, 175, 269, 289, 156, 233, 300, 201, 216, 293, and enrolled acts of the House Nos. 254, 285, 239, 207.

On motion of Mr. Bennett,

The Senate adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
December 21, 1865. }

The Senate met.

Mr. Oyler moved a call of the Senate.

Which was agreed to.

Those who answered to the call of their names were,

Messrs. Allison, Beeson, Bennett, Bonham, Bowman, Bradley, Brown of Hamilton, Brown of Wells, Carson, Cason, Chapman, Cobb, Corbin, Cullen, Culver, Davis, Douglas, Downey, Dykes, English, Gifford, Hord, Hyatt, Marshall, McClurg, Mason, Milliken, Moore, Noyes, Oyler, Reagan, Terry, Thompson, Vawter, Ward, Woods, Wright and Mr. President—38.

Mr. Oyler moved to dispense with further proceedings under the call.

Which was agreed to.

Mr. Wright offered the following resolution :

Resolved by the Senate, (the House of Representatives concurring,)
That the Secretary of State is hereby authorized to have 10,000 copies of the road law printed in pamphlet form and distributed to the counties in proportion to their population for the benefit of supervisors for the road district, in their respective counties and townships,
Which was not adopted.

Mr. Bonham offered the following:

Resolved, That the Auditor of State is hereby directed to draw his warrant on the Treasury in favor of W. H. Drapier for mileage and four days services at five dollars a day, for preparing a calender of business, before the senate at the commencement of the special session, embracing all the Senate and House bills on the files, their numbers, author's name and title, making four large pages of small type. This to include traveling from South Bend to Indianapolis and return.

Which was adopted.

Mr. Bonham presented a number of petitions on the subject of Temperance.

Which were laid on the table.

Mr. Chapman made the following report.

MR. PRESIDENT:

The Committee on Finance, to whom was referred Senate bill No. 149, introduced by the Senator from Rush, ratifying the action of the Governor, in settling and discharging the State's quote of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States, have had the same under consideration, have directed me to report the same back with the request, that same be laid upon the table. The Committee are of the unanimous opinion that further Legislation is inexpedient, for the reason, that a similar law was passed at the last session of this Legislature, approved March 6th, 1865, and found on page 49 of the acts of 1865.

Which report was concurred in.

Messrs. Mason, Hord, Corbin, Douglas and McClurg, asked and obtained leave of absence to visit the Insane Asylum.

Mr. Vawter offered the following resolution.

Resolved, That the thanks of this Senate be, and the same are hereby unanimously tendered to the Honorable Paris C. Dunning, for the able and impartial manner in which he has discharged his duties as President *pro tem.* of the Senate.

Which by a rising vote was unanimously adopted.

Mr. Cobb offered the following :

Resolved, That the thanks of the Senate be, and the same are hereby, unanimously tendered to C. M. Wilson principal Secretary of the Senate and Wm. A. Sudder Register Clerk, N. H. Daniels File and Messenger Clerk, Alex. Wilson Enrolling Clerk, Jas. B. Black and Jas. Thompson Engrossing Clerks, (his assistants,) for the able and efficient manner in which they have discharged their duties to the Senate.

Which was adopted.

Mr. Bennett offered the following :

Resolved, That the thanks of this Senate be, and the same are hereby, unanimously tendered to A. P. Newkirk Assistant Secretary of the Senate, and H. C. Guffin, S. T. Casterline, Licurgus Dalton and D. H. Olive, Journal Clerks, (his assistants) for the able and efficient manner in which they have discharged their duties to the Senate.

Which was adopted.

Mr. Oyler offered the following :

Resolved, That the thanks of the Senate be, and the same are hereby, unanimously tendered to S. G. Thompson, Doorkeeper of the Senate and Jas. Blake, R. W. Matthews, W. M. Casterline, John Justice, J. W. Cole, John Farra, J. D. Henry, James M. Clements and John Monroe (his assistants,) for the able and efficient manner in which they have discharged their duties to the Senate.

Which was adopted.

The following report was received from the State Librarian :

OFFICE OF STATE LIBRARIAN, }
Indianapolis, Dec. 21st, 1865. }

To the President and Members of the Senate :

GENTLEMEN :—In my report rendered on yesterday an omission occurred in regard to stamps, which, I take occasion to correct this morning. I drew by order of the Senate \$200.00.—\$166.00 were drawn by members leaving a ballance in my hands of \$34.00 subject to the order of the Senate, in two instances members over drew their stamp accounts two dollars each which was charged as stationery.

Respectfully yours,

B. F. FOSTER, *State Librarian.*

On motion of Mr. Cullen the State Librarian was ordered to pay into the State Treasury all the moneys remaining in his hands on stationary account.

Which was agreed to.

Mr. Cobb offered the following, which was adopted.

Resolved, That the Auditor of State is hereby directed to draw his warrant on the Treasury in favor of W. H. Drapier for mileage and four days services at five dollars a day for preparing a list of Acts and Joint Resolutions, passed by the General Assembly at the regular session of 1865, indicating by whom introduced and at what time they took effect published in the Indianapolis papers of March 10th, 1865. This to include pay for a similar service at the close of this present session.

On motion of Mr. Cullen the Senate adjourned.

2 O'CLOCK, P. M.

The Senate met.

Mr. Bennett moved to lay the resolution offered by him in relation to Jefferson Davis, on the table.

Which was agreed to.

Mr. Cullen moved a call of the Senate.

Which was agreed to.

Those who answered to their names were,

Messrs. Barker, Bennett, Bradley, Cason, Chapman, Cobb, Corbin, Cullen, Dykes, English, Finch, Gifford, Hord, Hyatt, McClurg, Mason, Milliken, Moore, Newlin, Niles, Noyes, Reagan, Staggs, Ward and Mr. President—25.

Mr. Cullen moved that the further call of the Senate be dispensed with.

Which was agreed to.

Mr. Cobb offered the following resolution :

Resolved, That the Auditor of State shall draw his warrant on the State Treasurer for the sum of two hundred dollars, to be paid to the Principal and Assistant Secretaries of the Senate, as provided in the general appropriation bill, which passed the Senate at the Special Session of 1865, when they shall present to the Auditor the certificate of the State Printer that they have furnished the index of the Journal of the present Session.

Which was adopted.

The following message was received from the Governor, by his private Secretary, Mr. Jacobs :

MR. PRESIDENT :

I am directed by His Excellency, Conrad Baker, Lieutenant Governor, acting as Governor, to inform the Senate that he has this day approved Senate bills numbered and entitled as follows, to-wit :

Senate bill No. 103, entitled "an act repealing all general laws now in force for the incorporation of cities ; providing for the incorporation of cities ; prescribing their powers, rights and duties, and the manner in which they shall exercise the same ; and regulating other matters properly connected therewith, and repealing certain acts therein specified."

Also, Senate bill No. 114, entitled "an act to amend section 38 of an act entitled 'an act to provide for the incorporation of railroad companies ;' approved May 11, 1852."

Also, Senate bill No. 187, entitled "an act to amend sections 3 and 53 of an act entitled 'an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same ;' approved February 14, 1848 ; and declaring an emergency."

Also, Senate bill No. 196, entitled "an act concerning the writ of *habeas corpus*."

Also, Senate bill No. 198, entitled "an act repealing an act entitled 'an act for the relief of the families of soldiers, seamen and marines, and sick and wounded Indiana soldiers in hospitals, in the State and United States service, and of those who have died or been

disabled in such service, and prescribing the duties of certain officers therein named,' approved March 4, 1865, and providing for the collection and disposition of the taxes levied in pursuance thereof, for the year 1865; and providing when the same shall take effect."

Also, Senate bill No. 199, entitled "an act to amend an act to incorporate the Indianapolis Insurance Company," approved February 8, 1836.

Also, Senate bill No. 206, entitled "an act supplemental to an act to authorize, regulate and confirm the sale of railroads; to enable purchasers of the same to form corporations and exercise corporate powers, and to define their rights, powers and privileges; to enable such corporation to purchase and construct connecting and branch roads, and to operate and maintain the same," approved March 3, 1865, and for the purpose of making the same more definite and certain.

Also, Senate bill No. 215, entitled "an act to amend section 77 of an act entitled 'an act to revise, simplify and abridge the rules, practice and pleadings, and forms in criminal actions in the courts of this State,' approved June 17, 1852."

Also, Senate bill No. 219, entitled "an act defining who shall be competent witnesses in any court or judicial proceeding in this State, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Also, Senate bill No. 223, entitled "an act authorizing married women, under the age of twenty-one years, to join with their husbands in the conveyance of real estate in certain cases."

Also, Senate bill No. 281, entitled "an act to amend an act entitled 'an act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk, approved March 4, 1859; and also increasing the powers and duties of the State Librarian."

Also, Senate bill No. 284, entitled "an act to prevent unauthorized printing at the expense of the State."

Also, Senate bill No. 303, entitled "an act to legalize and declare valid and effectual all the orders, judgments, and other proceedings

made, rendered and had by and before the Court of Common Pleas of Whitley county, in this State, held in the court house of said county in the month of March, in the year one thousand eight hundred and sixty-five, and then and there before the regular Judge of said Court."

Also, Senate bill No. 313, entitled "an act to amend the first and fourth sections of an act entitled 'an act to re-organize the Evansville Insurance Companies, chartered under the several acts of February 8, 1836, and January 21, 1850.'"

Also, Senate bill No. 314, entitled "an act to authorize the Board of Sinking Fund Commissioners to invest any moneys belonging to said fund in the Indiana State Bonds or Stocks, or in United States Stocks, and when invested in Indiana State Bonds or Stocks, to provide for the cancellation of such Bonds or Stocks, and for the issuing of new non-negotiable Bonds for the benefit of the School Fund."

Also, Senate bill No. 21, entitled "an act to amend sections 9, 10, 18, 19, 23, 24 and 33, of an act entitled 'an act to incorporate the town of Vernon, Jennings county, Indiana,' approved January 22, 1851."

Also, Senate bill No. 93, entitled "an act defining the crime of embezzlement, and prescribing the punishment therefor."

Also, Senate bill No. 156, entitled "an act to amend the fourteenth section of an act entitled 'an act to limit the number of Grand Jurors, and point out the manner of their selection; defining their jurisdiction, and repealing all laws inconsistent therewith, approved March 4, 1852;' and to change the form of the oath of Grand Jurors."

Also, Senate bill No. 175, entitled "an act to authorize the formation of companies for the detection and apprehension of horse thieves and other felons, and for mutual protection, and repealing all laws inconsistent therewith."

Also, Senate bill No. 233, entitled "an act to enable any child, heretofore adopted, or which may be hereafter adopted by any person under the laws of any State of the United States, to take and hold real estate in this State as if the child had been adopted under the laws and within the State of Indiana."

Also, Senate bill No. 249, entitled "an act defining the powers of companies organized to construct canals for hydraulic purposes."

Also, Senate bill No. 269, entitled "an act entitled 'an act requiring County Auditors to make examination of the records in their offices in relation to School Funds, and make report,' and providing compensation therefor, and declaring an emergency."

Also, Senate bill No. 289, entitled "an act to provide for the acknowledgement of the execution of official bonds, and to declare the effect and obligations of such bonds as between the obligors and the State."

Also, Senate bill No. 300, entitled "an act to amend the fifth section of an act entitled 'an act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties ;' approved June 1, 1852."

Also, Senate bill No. 201, entitled "an act to provide for the care and treatment of the incurable insane of the State of Indiana, and matters properly connected therewith."

Also, Senate bill No. 205, entitled "an act to fix the time of holding the Circuit Court in the several counties composing the Seventh Judicial Circuit, and repealing all laws in conflict therewith."

Also, Senate bill No. 216, entitled "an act to repeal sections 43 and 44 of an act entitled 'an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof,' approved May 31, 1852."

And that the same have been deposited in the office of the Secretary of State.

Mr. Bennett offered the following resolution :

Resolved, That the State Librarian be instructed to collect and preserve in some secure place, all the furniture and articles purchased for the use of the Senate, which are on hands at the adjournment ; and it is hereby made the duty of the Doorkeeper to deliver to the State Librarian, the articles contemplated in this resolution, and to take his receipt therefor, specifically describing said articles, and to file said receipt in the office of the Auditor of State.

Mr. Niles moved to amend by requiring the Doorkeeper to turn over to the Librarian all articles mentioned, and take receipt for the same, and file receipt with the Auditor of State.

The amendments and resolution were adopted.

The following message was received from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the Speaker of the House of Representatives to inform the President of the Senate that he has signed enrolled act No. 135, House of Representatives, it being an act to amend the 651st section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law," &c.

And, also, that he has signed enrolled act No. 320, House of Representatives.

The following message was received from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate, that the report of the Clerk of the House, informing the Senate of the passage of Senate bill No. 270, was an error, there being but 43 votes cast in the House in favor of said bill, and the Senate is requested to return said bill to the House.

Mr. Vawter moved to reconsider the vote by which the Senate concurred in House bill No. 270.

Which was agreed to.

Mr. Vawter moved to return the bill and amendments to the House. Which was agreed to.

Mr. Cason, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT :

The Committee on Federal Relations, to whom was referred Senate S. J.—39

Joint Resolution No 18, introduced by the Senator from Wells, entitled "a Joint Resolution upon the subject of the federal relations;" and Senate Joint Resolution No. 10, "on the subject of a ship canal;" and Senate Concurrent Resolution No. 16, have had under consideration said resolutions, and as the Senate is about to adjourn, and as these resolutions are upon important subjects, it would be impossible for the Senate to give them the proper consideration, we therefore return said resolutions, and recommend that they do lie on the table.

Which was agreed to.

The following message was received from the House, by Mr. Nixon, their Clerk :

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following resolution, in which the concurrence of the Senate is respectfully requested.

Be it resolved by the House of Representatives (the Senate concurring therein,) that the Lieut. Governor, acting as Governor, is hereby authorized to accept from the proper authorities of the United States a transfer of the General Hospital at Jeffersonville, with such equipments thereof as may be included in such transfer, and to receipt therefor in the name of the State of Indiana.

And be it further resolved, That until the State shall, by law, provide for the care and support of such disabled soldiers as may desire the benefit of a soldier's home, or asylum, the Executive may grant the use of said Hospital and its equipment to any private association that will assume the care of such disabled soldiers; and if the Governor cannot make an arrangement with the owners, or lessees of the owners, for the use and occupation of the premises, after the 1st day of next June, without the State becoming responsible for the rent, then he shall sell, or cause to be removed, the buildings and improvement before the expiration of the lease, the proceeds to be applied by him for the benefit of meritorious wounded and disabled Indiana soldiers; and of which application he shall report to the next session of the General Assembly.

Mr. Bennett moved to take up the message just read.

Which was agreed to.

Mr. Bennett moved to concur in the the message.

Which was agreed to.

The following message was received from the House, by Mr. Nixon, their Clerk :

MR PRESIDENT :

I am directed to inform the Senate that the Speaker has signed the following enrolled acts of the House Nos. 187, 328, and of the Senate Nos. 241 and 256.

On motion by Mr. Bennett,
The Senate adjourned.

FRIDAY MORNING, 9 o'clock, }
December 22, 1865. }

The Senate met.

The Assistant Secretary proceeded to read the Journal, when on motion by Mr. Thompson the further reading was dispensed with.

A message from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the House of Representatives to inform the Senate that the House has passed the following Concurrent Resolutions, and they are hereby transmitted to the Senate.

A Concurrent Resolution instructing the Governor to appoint three competent persons to investigate the management of the State Prisons of Indiana, and report to the next session of this General Assembly.

A Concurrent Resolution empowering the State Librarian to

receive from the proper persons the books, papers, archives and property of the Indiana Historical Society, and preserve the same with the property of the State Library.

A Concurrent Resolution requiring the Governor to appoint a Committee of three competent persons, to inquire into the conduct of the Sinking Fund Commissioners, and other facts connected with the Sinking Funds of the State.

A Concurrent Resolution on the subject of the proposition of Mr. W. R. Holloway, to print the Adjutant General's Report.

A Concurrent Resolution on the subject of the Government of Mexico.

On motion of Mr. Bennett, the message was taken up, and concurred in.

Mr. Bennett offered the following resolution :

Resolved, By the Senate, the House concurring, that a committee of two on the part of the Senate and three on the part of the House be appointed to wait on His Excellency, the Governor, and ascertain of him whether he has any further business to present to this General Assembly.

Which resolution was adopted.

The President appointed, Messrs. Bennett and Bradley.

Mr. Oyler offered the following resolution :

Resolved, That the State Printer be authorized to bind and to send each member of the Senate, and to the Officers and Reporters thereof, three copies of the Legislative Brevier Reports, also two copies each of the Senate and House Documentary Journals, and two copies of the Acts of the present session, all to be bound in the full law.

Which resolution was adopted.

Mr. Moore offered the following resolution :

Resolved, That when the reports of the Adjutant General, as authorized by this General Assembly, shall be published, it shall be the duty of such officer, to send by Express or otherwise to each senator, his portion of the said report.

Which resolution was concurred in.

The following message was received from the Governor, by his private secretary, Mr. Jacobs.

MR. PRESIDENT :

I am directed by the Governor to inform the Senate that he has approved and signed the following enrolled bills thereof :

No. 293, entitled, "an act to provide for the periodical enumeration of the white male inhabitants of the State, over the age of twenty-one years, to prescribe the duties and fix the compensation of officers in relation thereto, and also to prescribe the penalties for the violation of official duty in connection with said enumerations, as well as the manner in, and the courts by which said penalties shall be enforced."

No. 241, entitled, an act to amend an amendment of an act entitled, "an act in relation to witnesses, and to repeal section 238, of article 13, of an act entitled, 'an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in cases in the courts of this State; to abolish district forms of actions at law; and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' " approved June 18, 1852; and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force; which took effect and went into force March 17, 1861.

No. 256, an act to amend the fortieth clause, of section 30, of an act entitled, "an act granting to the citizens of the town of Evansville, in the county of Vanderburg, a city charter," approved January 27, 1847; and declaratory of the meaning of the second section of the same act; and that Senate bill No. 227 entitled, "an act for the relief of Isaac D. Armstrong, Treasurer of Clinton county, in the State of Indiana, will become a law without executive approval, under the provision of the Constitution, in such cases made and provided."

A message from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed to inform the Senate that the House has adopted the Senate resolution, appointing a Joint Committee to wait on his Excellency, the Governor, and ascertain whether he has any further communications to make to this General Assembly, and that the

Speaker has appointed Messrs Bonham, Brown and Lockhart on such committee, on the part of the House.

Mr. Bennett from the Select Committee to wait on the Governor made the following report :

MR. PRESIDENT :

The Committee appointed by a concurrent resolution of both Houses, to await on the Governor, have performed that duty, and beg leave to report that His Excellency has informed them that he has no further business to communicate to this General Assembly.

Which report was concurred in.

Mr. Bennett offered the following concurrent resolution :

Resolved by the Senate, the House concurring, That the General Assembly adjourn sine die.

Which was adopted.

The following message was received from the House, by Mr. Nixon, their Clerk.

MR. PRESIDENT :

I am directed by the Speaker of the House to inform the Senate that the House has concurred in the following resolution of the Senate :

Resolved by the Senate, the House concurring, That the General Assembly do now adjourn sine die.

Mr. Richmond moved that the Senate do now adjourn.

Which was agreed to.

The President then declared the Senate adjourned *sine die*,

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BILLS OF THE SENATE IN SPECIAL SESSION.

	Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	President Signed.
196			A bill concerning the writ of habeas corpus.....	46	Hord,.....	46, 53, 54, 74, 86, 116, 117, 120, 199,	87		605	578
197			An act to repeal an act entitled "An act for the relief of families of soldiers, seamen, and marines, and sick and wounded Indiana soldiers in hospitals in the United States, and of those who have died or been disabled in such service, and prescribing the duties of certain officers therein named," approved March 4, 1865.....	49	Cullen.....	49, 82, 131, 132		472	605	
198			A bill to repeal the Soldiers' Relief Act, &c.....	49	Bennett.....	49, 131, 132, 133, 475, 476, 545, 553,	133			
199			An act to amend an act to incorporate the Indianapolis Insurance Company, approved February 8, 1836.....	49	Thompson.....	570, 583	126	578	606	583
200			An act providing for the settlement of decedents' estates, &c.....	49	Cason.....	49, 81, 82, 107, 126, 128				
201			A bill to provide for the care and treatment of the incurable insane, and matters properly connected therewith.....	49	Bradley.....	49, 98				
202			An act making specific appropriation from the State Treasury.....	50	Hord.....	50, 71, 244	244	556	608	601
203			An act to authorize suits to be brought and executions to be issued by and against firms or partnerships in the firm or partnership name.....	51	Hord.....	51, 52, 75, 76, 80, 81	81	102		
204			A bill in relation to witnesses, and repealing all laws in conflict, &c.....	52	Cullen.....	52, 98, 209, 489				
205			An act to fix the time of holding the Circuit Court in the several counties composing the Seventh Judicial District, and repealing all laws in conflict therewith.....	52	Bennett.....	52, 91, 172, 249				
206			An act supplemental to an act entitled an act to authorize, regulate, and confirm the sale of railroads, to enable purchasers of the same to form corporation, and to exercise corporate powers, and to define their rights, powers, and privileges, to enable such corporation to purchase and construct connecting and branch roads, and to operate and maintain the same, approved March 3, 1865, and for the purpose of making the same more definite and certain.....	52	Brown.....	52, 53, 76, 164, 184	184	587	608	601
207			An act in regard to lot No. 1, in block sixty-eight (68), in the city of Indianapolis, owned by the State.....	61	Oyler.....	31, 98, 223, 168, 169	169	578	606	587
208			An act to provide for the construction of sewers within incorporated towns, defining the powers and duties of town trustees in relation thereto, and to repeal all laws in conflict therewith.....	62	Niles.....	62, 98, 103				
209			A bill apportioning Senators and Representatives.....	71	Brown of Wells.....	71, 84, 147, 265, 294	292			
210			An act to amend section 584 of an act entitled "an act to revise, simplify, and abridge the rules, practice, proceedings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and	71	Bennett.....	71, 98, 247, 248, 298				

211	to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1864.	72	Niles.....	72, 84, 109.....	110	
	An act supplemental to an act entitled "an act to incorporate the White River Navigation Company," approved February 13, 1851, and an act entitled "an act to amend the third section of an act entitled 'an act to incorporate the White River Navigation Company,' approved February 13, 1851, and to extend the rights and privileges of said company," approved June 16, 1852, and to further extend the rights and privileges of said company.....	72	Oyer.....	72, 84, 127, 169.....	169	
212	An act to amend section 23 of an act entitled "an act for the incorporation of Insurance Companies, defining their powers and prescribing their duties," approved June 17, 1852.....	72	Thompson.....	72, 98, 99, 205, 284, 329.....	321	
107	A bill authorizing certain persons therein named to dig and construct a certain canal.....		Wright.....	91, 317, 386.....		
213	An act to amend section 33 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, prescribing their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.....	76	Cobb.....	76, 77, 99, 206, 238, 253, 292, 426.....	292	
214	A bill to define what officers shall be elected by each House of the General Assembly, and fixing the compensation, and repealing all laws inconsistent therewith.....	77	Vawter.....	77, 99, 100, 161, 207, 208, 209, 292.....	293	
215	An act to amend section 77 of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms, in criminal actions, in the courts of this State," approved June 17, 1852, and declaring when the same shall take effect.....	77	Hord.....	77, 99, 201, 203, 293.....	291	606
216	An act to repeal sections 43 and 44 of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contests thereof," approved May 31, 1852.....	77	Hauna.....	77, 137, 202, 293, 294.....	285	601
217	An act to amend section 384 of an act entitled "an act to allow County Commissioners to organize turnpike companies, where three-fifths of the persons representing the real estate within prescribed limits petition for the same; and to levy a tax for its construction, and provide for the same to be free,".....	77	Cullen.....	77, 147, 148, 149.....	149	
218	An act to amend an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for violation of any of the provisions of said act by officers and others; and also repealing an act to license dogs," approved March 11, 1861; and providing that nothing in this act shall be so construed as to conflict with the provisions of an act entitled "an act for the protection of sheep," approved June 15, 1852.....	77	Hyatt.....	77, 99, 288, 387.....	388	
219	An act defining who shall be competent witnesses to testify in any court of judicial proceeding in this State, and to repeal all laws, or parts of laws, in conflict with the provisions of this act.....	78	Ward.....	91, 226, 276, 277, 278, 279, 280, 359, 360, 361, 362, 412, 413, 414, 415, 416.....	417	592
220	An act disqualifying certain persons, herein enumerated, from voting at elections in this State, and prescribing penalties for violations hereof, and providing when the same shall take effect.....	78	Bongett.....	78, 100, 124.....	170	
221	An act for the punishment of officers of elections for receiving illegal votes..	79	Bonham.....	79, 100, 124, 176.....		

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
222		An act to repeal all laws now in force establishing the time of holding Circuit Courts in the First Judicial Circuit; to fix the times of holding said courts; requiring all persons to take notice thereof; providing for the return of process, and declaring when this act shall take effect.....	79	Hord.....	79, 100				
223		A bill to authorize married women, under the age of twenty-one years, to join in the conveyance of the lands of their husbands, in certain cases, and to repeal all laws and parts of laws inconsistent therewith.....	79	Bennett.....	79, 100, 232, 233, 294	294	573	606	583
224		An act to amend section 75 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State.....	79	Bonham.....	79, 100, 373				
225		An act providing for the taking of depositions of parties to civil actions in their own behalf, and declaring when the same shall take effect.....	79	Hord.....	79, 101, 269, 294	295			
226		An act to amend sections 10, 12, 13, 14, 15, 16, 17, 18, 21, and 22, of an act entitled "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, and providing when the same shall take effect.....	79	Bennett.....	79, 80, 137, 138, 141, 142, 143, 145, 170, 171, 210, 211, 212, 212	213			
152		An act to amend section 7 of an act entitled "an act touching the laying out, vacating towns, streets, alleys, public squares and grounds, or any part thereof; the making out and rescinding of plats of said towns, and providing for the change of names of such towns," approved May 20, 1852.....		Richmond.....	80, 114, 166				
27		An act to amend section 4 of an act entitled "an act prescribing certain misdemeanors, punishable only by a Justice of the Peace," approved June 7, 1852.....		Douglass.....	80, 162, 163	163			
87		An act to amend the 17th section of an act entitled "an act prescribing who may make a will, the effect thereof, what may be devised, regulating the revocation, admission to probate, and contest thereof," approved May 31, 1852.....		Hord.....	80, 165				
106		An act to amend section 119 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852, so far as to strike out so much thereof as requires the appellee to pay the costs of the appeal, when the decision of the court below is decided to be erroneous.....		Hord.....	80, 164	164			
227		An act for the relief of Isaac D. Armstrong, Treasurer of the county of Clinton, in the State of Indiana.....	81	McClurg.....	206, 237, 238	238	584		582

72	An act prescribing the form of deed that may be used by Sheriffs and Coroners.....	82, 124		
	An act to amend an act entitled "an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.....	82, 101, 218, 215	296	
100	An act ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars from the President of the United States, for the preparation of troops for the service of the United States, and for the defense of the State; and directing him to pay the unexpended balance into the treasury, and to account therefor, with the portion expended, to the President of the United States, as an advance to the State.	87		
121	An act to amend section 14 of an act to provide for the more uniform mode of doing township business, and prescribing the duties of certain officers in connection therewith, approved February —, 1859.....	91, 192		
124	An act to enforce the Constitution of the State of Indiana.....	92		
136	An act to amend sections 8 and 10 of "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859, and declaring an emergency.....	92, 193		
138	An act amending section 30 of "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	92, 138, 165	477	
140	An act to amend section 8 of an act entitled "an act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852.....			
148	An act to amend the 10th and 88th sections of the act entitled "an act providing for the settlement of decedents' estates," prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlements.....			
149	An act ratifying the action of the Governor in settling and discharging the State's quota of the direct tax levied by Congress in 1861, and authorizing him to settle all unsettled claims of the State against the United States.....			
155	An act to amend the 14th section of the act entitled "an act to limit the number of grand jurors, and to point out the manner of their selection; defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 1852.....	92, 251, 263		
157	An act to repeal an act entitled "an act to enforce the Thirteenth Article of the Constitution," approved June 18, 1852.....	92, 602		
161	An act requiring the Boards of County Commissioners in the several counties of the State of Indiana to examine the books, papers and vouchers of any officer in their respective counties who may be charged with having received a greater amount of fees than he is legally entitled to receive; to determine the amount thereof, if any, and cause suit to be brought for its recovery, and declaring an emergency.....	92, 125, 166, 167, 322, 323	556	601
	An act to authorize trustees to sell and convey real estates, and to re-invest the proceeds thereof.....	93, 483	323	607
170	An act to reimburse Samuel H. Patterson, late lessee of the Indiana State Prison, for money expended by him on account of work and labor rendered by sundry convicts during said Patterson's lease of said prison.....	93, 207, 290		
171		93, 122	290	
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BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
	172	An act prescribing the manner in which taxes shall be levied and collected by the authorities of incorporated cities and towns upon the property of railroads, banks, and other corporations, situated or being within such cities or towns.....		Corbin.....	93				
	174	An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act; repealing all laws inconsistent herewith, and declaring an emergency.....		Niles.....	92, 286, 386	387			
	175	An act to authorize the formation of companies for the detection and apprehension of horse thieves, and other felons, and for mutual protection, and repealing all laws inconsistent therewith.....		Niles.....	94, 115, 134, 167	167	593	607	601
229		An act entitled "an act supplemental to an act approved March 5, 1879, authorizing the purchases of railroads, plank roads, and turnpike roads, under mortgage sale, or sale made according to the terms of their trust; to organize as incorporated companies, and describing their powers and duties....."		Allison.....	96, 101, 116, 235, 296	296			
230		An act in relation to the organization of the Senate and House of Representatives.....	96	Williams.....	96, 156, 201, 298	299			
231		An act to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made, rendered and had by and before the Common Pleas Court of Clinton county, in this State, held in the court house of said county, in the months of October and November, in the year one thousand eight hundred and sixty-five, and then and there, by and before the several judges of the said court.....		McClurg.....	96, 156, 181	181			
	179	An act fixing the salaries of the Superintendent of the Insane, the Superintendent of the Deaf and Dumb, and the Superintendent of the Blind in this State, and repealing parts of laws in conflict therewith.....		Thompson.....	97				
	186	An act to define the rights of parties to joint contracts in which judgment has been rendered against a part of the makers of each contract, but not against all.....		Niles.....	87, 487				
	187	An act to amend sections 3 and 53 of an act entitled "an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto into one act, and to amend the same," approved February 14, 1848.....		Allison.....	97, 192, 20, 291	291	578	605	692

188	An act to amend the first and second sections of an act entitled "an act fixing the time of holding the circuit court in the First Judicial Circuit, and repealing all laws in conflict therewith, and making all writs, summonses and process returnable thereto," approved March 7, 1861, so far as relates to the county of Jefferson	97	Alison			
189	An act to apportion Senators and Representatives for the next four years	97, 314	Oyler			
194	A bill requiring the State Board of Agriculture to publish semi-annual reports of their proceedings, and making appropriations therefor	98, 287	Williams			
165	A bill to amend sections one and two of an act entitled "an act to regulate the mileage of sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlement with the Treasurer and Auditor of State, and the mileage of the members of the General Assembly					
185	An act for the incorporation of hotel companies	107	Fuler	168		
22	An act to amend section 10 of an act entitled "an act providing for the elections and qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852	115, 108	Punning			
134	An act to amend an act entitled "an act to provide for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859	121, 162	Oyler	162		
69	An act to repeal the 11th section of an act entitled "an act to provide for the valuation and appraisement of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and Auditor of State," approved June 21, 1852	131	Terry			
232	An act appropriating certain sums of money for the payment of Washington H. Talbot, and the heirs of Frances Costigan, deceased	131	Culver			
233	A bill to amend sections 9, 10 and 33, of an act entitled "an act to incorporate the town of North Vernon, Jennings county, Indiana."	156	Cobb			
234	An act to enable any child heretofore adopted, or which may be hereafter adopted, by any person under the laws of any State of the United States, to take and hold real estate in this State as if the child had been adopted under the laws and within the State of Indiana	135, 161, 162, 505, 703, 550	Vawter	162	505	607
235	An act supplemental to an act approved June 11, 1852, entitled "an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties."	156, 236, 247	Williams	237	573	607
236	An act to amend "an act in relation to County Auditors," approved May 21, 1852	135, 156, 157, 243, 255	Cason	300		
137	A bill requiring railroad companies to furnish transportation to persons desiring to ship live stock, or other freight, over their roads, and requiring such companies to charge a uniform rate therefor	157, 192, 183	Culver			
238	An act requiring all property hereafter sold by virtue of any court, or in pursuance of any process of law, to be sold without appraisement, and repealing all laws inconsistent therewith	157, 492	Ward			
	An act prescribing certain qualifications of attorneys at law for practicing in the courts of this State, and declaring the punishment for the same, and repealing all laws in conflict therewith	157, 232	Noyes			
		157	Ronham			

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
239		An act authorizing the session of Common Pleas Courts in this State after the time or holding Circuit Courts, when the time of their sessions comes in conflict, and declaring an emergency	136	McClurg	157, 158, 191, 300	300			
240		An act to amend sections 3 and 4 of an act entitled "an act to regulate and license the sale of spirituous, malt and other intoxicating liquors; to prohibit adulteration of liquors; to repeal all laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859, and prescribing penalties in case of second or subsequent conviction.....	139	Dykes.....	158				
241		An act to amend an amendment of an act entitled "an act in relation to witnesses, and to repeal section 238, of article 13, of the act entitled "an act to revise, simplify and abridge the rules, practices and pleadings and forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force; which took effect and went into force March 17, 1861.....	138	Cason.....	159, 270, 300	301	556		
242		An act to amend section 11 of "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all processes from the present Common Pleas courts returnable to such terms; and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859	141	Van Buskirk.....	155				
243		An act to fix the time of holding the Circuit Courts in the Fourth Judicial Circuit of the State, composed of the counties of Franklin, Union, Fayette, Rush, Shelby, Decatur and Dearborn, and repealing all laws in conflict therewith	141	Van Buskirk.....	159				
16		A bill to amend section 349 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	141	Brown and Wells.....	141, 142, 143, 180				
244		An act to amend an act entitled "an act providing for the election and							

215	66	qualification of justices of the peace, and defining their jurisdiction, powers, and duties in all civil cases," approved June 9, 1852.....	146				302
		An act in relation to the admission of the testimony of jurors in granting new trials.....	149	Mason	159, 190, 301 160		
246		A bill to amend section 11 of an act entitled "an act to fix the time of holding the Common Pleas Court in the several counties in this State, creating a new district, providing for a judge therein, and the duration of the terms thereof, and making all process from the Common Pleas Court returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.....	152	Mason	201, 45	246	
217		An act to repeal the 17th section of an act to incorporate the Firemen and Mechanics' Insurance Company, and declaring an emergency	152	Allison	205, 32	302	
218		An act to authorize plank, Macadamized and gravel road companies to enter upon adjacent lands and appropriate and remove earth, stone, timber and gravel, for the construction of their roads, and maintain properly connected therewith, and declaring an emergency.....	152	Cullen	152, 153, 319, 401	402	
219		An act to restrain certain animals, therein named, from running at large.....	153	Culver	174, 288, 364		
250		An act defining the powers of companies organized to construct canals for hydraulic purposes.....	153	Dykes.....	232, 302, 308	309	554 608 601
251		An act to secure a just valuation of all railroad property within this State for assessment and taxation for State, county and town purposes, to legalize the valuation and assessments, and the adjustment and payment of taxes for such property heretofore made, and providing for an appeal to the State Board of Equalization.....	153	Niles.....	238, 239, 240, 241, 242, 243, 252, 287, 288, 297		
252		A bill to amend sections 14, 15 and 24, of an act entitled "an act for the opening, vacating and change of highways," approved June 17, 1852.....	154	Yawtett.....	172, 380		
253		An act to amend the second section of the "act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852.....	154	Cason.....	249, 302	303	
254		An act to relieve auditors, treasurers, township trustees, assessors, and other officers, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep killing dogs," &c., approved March 2, 1865, and declaring an emergency.....	154	McClung.....	172, 270, 303, 304, 402, 403		
255		An act to amend section two of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys.....	154	Culver.....	217, 218, 304 ^d	304	
256		A bill to amend the second section of an act supplemental to an act entitled "an act for the incorporation of high schools, academies, colleges, universities and missionary boards," approved February 28, 1855; approved March 5, 1859	154	Cobb.....	172, 226, 304	305	
257		An act to amend section 40, clause 30, of an act entitled "an act granting the citizens of the town of Evansville a city charter," approved January 27, 1847.....	155	Allison.....	20, 305	305	633
258		A bill to authorize the location and maintenance of private cemeteries, and affix penalties for violation of its provisions	155	Barnett.....			
		An act to amend section 96 of "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers,					

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
259		connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.	155	Hanna.....	251, 309	309			
260		A bill to amend section 21 of "an act prescribing the manner of holding elections....."	155	Kennett.....					
		An act to amend section 207 of article 11 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	156	Culver.....					
64		An act to provide for a registry of voters, and to declare their residence, and to punish fraudulent practices touching elections, and defining the duties of certain officers therein named, and providing compensation for the services of such officers.....		Thompson.....	163, 203, 244				
142		An act defining the crime of drunkenness, and prescribing the penalty thereof.....		Woods.....	165, 166	166			
164		An act touching the disposition of lots, streets, alleys, public squares and grounds within the incorporated limits of any incorporated city of this State, heretofore vacated or hereafter to be vacated.....		Ward.....	167, 400	401			
261		An act to amend the second and fifth sections of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.....	176	Caso.....	267, 304	310			
262		An act to make an appropriation to pay the balance of the quota of this State of the expenses of the Soldiers' National Cemetery at Gettysburg, Pennsylvania, as assessed by the Board of Managers of said Association.	176	Chapman.....	201, 310	311			
263		A bill to repeal an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, and providing penalties for the violation of any of the provisions of said act by officers and others, and also repealing an act to license dogs," approved March 11, 1861, and providing that "nothing in the act shall be so construed as to conflict with the provisions of an act entitled 'an act for the protection of sheep,' approved June 16, 1852....."	176	Dunning.....	177, 265				
264		An act to authorize County Commissioners to grant the right to swing gates on county and private roads, and prescribing penalties.....	179	Cason.....	249				

255	An act fixing the time of the terms of the Wells Circuit Court, prescribing the duration thereof, providing for returns of process therein, repealing conflicting laws, and declaring when this act shall take effect.....	177	Brown, of Wells.....	200, 236	236
256	An act providing for an organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties, and to repeal all laws in conflict therewith.....	193	Oyler.....	194, 245, 485	
4	A bill to provide for the making and authentication of transcripts from the records of the Recorder's office, in certain cases, and for the admissibility in evidence of the same, and certified copies of the deeds and mortgages contained therein.....		Cobb	198	198
25	An act defining certain misdemeanors, and prescribing punishment therefor.....		Bonham.....	198	221
82	An act to authorize cities to prepare, execute, negotiate and sell bonds to procure means to complete unfinished school buildings, and to pay debts contracted for the erection of school buildings, and to authorize the levy and collection of an additional special school tax, to provide means for the payment of the interest and principal of such bonds, and declaring an emergency.....		Niles.....	199	221
84	An act to amend section two of an act entitled "an act prescribing the powers and duties of Justices of the peace in State prosecutions," approved May 29, 1852, so as to authorize the service of a warrant throughout the State.....		Hord.....	199	221
115	An act to amend section 11 of an act entitled "an act concerning county prisons," approved May 27, 1852.....		Brown of Wells.....	199	222
257	An act districting the State for judicial purposes and for fixing the time for holding the Circuit Courts in the several counties in the State.....	200		245, 485	
182	An act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties.....		Oyler.....	200, 201, 485	
12	An act authorizing creditors, in certain cases, to bring action on their claims before they are due, and have attachment against the property of the debtor, to garnishee property, manueys, effects, the proceedings therein, and declaring when this act shall take effect.....		Hord.....	201	
258	An act to invest the Circuit Courts of this State with exclusive original jurisdiction in applications for divorces, and to prescribe the terms upon which divorces may be granted in cases where the causes of divorce relied on accrued elsewhere than in this State.....	233	Oyler.....	255, 267, 268, 311	311
259	An act entitled "an act to require county auditors to make examinations of the records in their offices in relation to the school funds, and to make reports, and providing compensation therefor, and declaring an emergency".....	234	Allison.....	245, 285, 311	312
270	An act to amend sections 8 and 10 of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	234	Cason.....	255, 374, 4 6	407
271	An act to amend section one of "an act authorizing Justices of the peace, notaries public, judges of courts, mayors of towns and cities, and clerks of Circuit and Common Pleas Courts, to administer oaths generally—and county auditors, in certain cases—and to legalize such as may heretofore have been administered by any of said officers," approved March 19, 1861.....	234	Douglas.....	256, 369, 407	408

BILLS OF THE SENATE—Continued.

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	President Signed.
172		A bill to amend section 12 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries; to repeal all laws inconsistent therewith, and providing penalties therein prescribed".....	234	Dykes.....	256, 246, 312	312			
273		An act to legalize the action of the State Board of Equalization, at its session in 1864, and declaring the duty of the Auditor of State in relation thereto.....	234	Wright.....	256, 317, 408	408			
274		An act concerning pleadings in matters of claims against the estates of decedents, and declaring when the same shall take effect.....	235	Hord.....	256, 488				
275		A bill providing for extending the terms of circuit courts by adjournment, call special terms, and providing compensation to judges for holding such adjourned and special terms, and repealing all laws or parts of laws contravening with the provisions of this act.....	235	Richmond.....	256, 353, 408	409			
276		An act to amend section 26 of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases".....	235	Bonham.....	256, 359, 424				
277		An act providing for the location of an agricultural college in the county of Tippecanoe.....	236	Culver.....	256				
183		A bill to establish a probate court in each county in the State, for the election of probate judges, fixing the jurisdiction of such courts, the officers thereof, its powers and duties, and for the transfer of business in the Common Pleas Courts, and to repeal all laws conflicting with this act....	215						
278		An act to amend section 35 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and providing when the same shall take effect....							
279		A bill to abolish the Indiana State Agency in the city of New York, the Board of Sinking Fund Commissioners of this State, and all the offices connected therewith, and to invest the moneys belonging to said fund, the State Debt Sinking Fund, and other funds, in the stocks and bonds of the State, and to transfer the business of said Board of Sinking Fund	246	Hord,.....	256, 329, 424	429			

280	Commissioners to the offices of the Auditor and Treasurer of State, and also to provide for the adjustment of the debt of the State by issuing, on bonds for the presentive per cent. registered stocks of the State.....	247	Bralley.....	274, 329, 40			
287	A bill to make suitable provisions for having the State of Indiana co-operate with other State authorities, and with the Commissioners of the General Government, at the "Universal Exposition," to be held at Paris, France, in the year 1867, in such manner as to represent fully the agricultural, manufacturing, mechanical, mineral, artistic, and other resources and interests, and thereby to encourage immigration to the State of Indiana.....	252	Thompson.....	260, 282, 213, 314, 372			
15	An act to amend an act entitled "an act to fix the amount of the salary of the State Librarian, and repealing all former laws conflicting therewith, and to dispense with an Assistant Librarian and Clerk," approved March 4, 1859.....	232	Oyler.....	260, 310, 386	386	577	606 587
282	A bill appointing a commissioner to adjust the claims of citizens for damages and losses sustained by reason of the raid of the rebel forces under the command of John Morgan, in July, 1863, and occasioned by other or future raids.....		Vawter.....	330, 331, 33, 334, 335			
283	A bill to authorize the common council of any town in this State to appoint a town attorney, and providing compensation therefor.....	258	Vawter.....	338, 472, 473, 570, 571	430		
284	An act to prevent unauthorized printing at the expense of the State.....	258	Vawter.....	261, 330, 429			
285	An act to create the ——— Judicial Circuit, and to fix the time of holding the courts therein.....	260	Niles.....	261, 320, 430	430	578	606 583
286	An act to amend the second section of an act entitled "an act prohibiting Supreme, Circuit and Common Pleas Judges, county clerks, auditors, treasurers, recorders, sheriffs and their deputies, from practicing law in any of the courts of this State, except as in the act permitted, and prescribing punishment for the violation thereof," approved March 6, 1865, and to prescribe the duty of the several courts of this State, in reference thereto.....	261	Cobb.....	283			
287	An act supplemental to an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereof, and certain forms to be used in such settlement," approved June 17, 1854.....	261	Cobb.....	417	385, 480, 507, 508		
288	A bill requiring the Clerks of the Circuit and Common Pleas Courts to make indexes of their records, and providing a compensation therefor.....	262	Cobb.....	385, 483			
62	An act supplemental to an act entitled "an act to authorize the formation of limited partnerships, and fixing the liabilities of the several partners, and prescribing the proceedings against them," approved March 5, 1859, authorizing companies by partners, and joint debtors.....	263	Corbin.....	385, 482, 544	529		
289	An act to provide for the acknowledgment of the execution of official bonds, and to declare the effect and obligation of such bond, as between the obligors and the State.....			265			
290	An act entitled "an act concerning school houses, and defining who shall occupy and control them....."	269	Cason.....	332, 333	333	608	601
291	An act creating the ——— Judicial Circuit, and designating what counties shall constitute the Seventh and Thirteenth Judicial Circuits, and fixing the times of holding courts in each of said circuits.....	271	Allison.....	275, 276, 312	313		
		271	Mason.....	385, 490, 491			

BILLS OF THE SENATE—Continued.

	Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
292			A bill to provide a State Debt Sinking Fund, for the payment of principal and interest of the War Loan Bonds and five and two and one-half per cent. stocks of the State therein named, prescribing the duties of the clerk, treasurer, and agent of State in relation thereto, providing for a clerk of said Sinking Fund, and fixing his salary, and providing a penalty for the violation of its provisions, and declaring an emergency for the immediate taking effect of the same.....	271	Chapman.....	331				
293			An act to provide for the periodical enumeration of the white male inhabitants of this State, over the age of twenty-one years, to prescribe the duties and fix the compensation of officers in relation thereto, and also to prescribe the penalties for the violation of official duty in connection with said enumeration, as well as the manner in which, and the courts by which said penalties shall be enforced.	272	Cullen.....	337, 425	426	553	613	601
294			An act to amend sections 18 and 19 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions....."	272	Allison.....	385, 448			613	
295			An act to amend section 33 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6, 1865.....	273	Allison.....	274, 315, 439	431			
296			An act to empower cities to construct gas works, to issue bonds to procure the funds, and levy a tax for their payment.....	275	Allison.....	385, 411, 433	434			
297			A bill supplementary to an act entitled "an act defining felonies, and prescribing punishment therefor," approved June 10, 1853.....	275	Thompson.....	314				
298			An act fixing the time of holding court in the Fourth Judicial Court, and repealing all laws in conflict therewith, and declaring an emergency.....	282	Cullen.....	385, 483				
299	40		An act to establish an Agricultural College.....	286	Dunning.....	391, 400, 404, 405, 406, 420, 421, 422, 423, 424, 425, 509, 557, 558, 570, 572	559			
300			An act supplemental to an act of the General Assembly of the State of Indiana, entitled "an act authorizing the construction of plank, Macadamized and gravel roads," approved May 12, 1852.....	289	Brown of Wells.....	354, 380				
			An act to amend the fifth section of an act entitled "an act providing for the organization of Circuit Courts, the election of Judges thereof, and defining their powers and duties," approved June 1, 1862.....	333	Downey.....	332, 484	332	556	608	601

301	An act with reference to public buildings of counties, and the grounds belonging thereto, and prescribing the duties of County Boards and sheriffs in reference to the same.....	338			366		
302	An act to amend sections 39, 42, 45 and 51, of an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved June 17, 1852.....	340	Cobb.....	385		356, 366	
303	An act to legalize and declare valid and effectual all the orders, judgments, and other proceedings, made, reordered and had, by and before the Court of Common Pleas of Whitley county, in this State, held in the court house of said county in the month of March, in the year 1865, then and there, before the regular Judge of said courts.....	340	Douglass.....	385	434	581	606
304	An act repealing sections 38, 39, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54 and 55 of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved March 17, 1852, and providing for the business of mutual fire insurance companies, and prescribing the time within which the same shall be done.....	352	Cullen.....	356			512
305	An act in relation to the laying out and opening of public highways.....	353	Hanna.....	364, 373, 374, 431	435		
306	An act regulating the fare to be charged by railroad companies in the State, for the transportation of passengers over their roads, and providing the remedy for all violations thereof.....	353	Niles.....	364, 372, 409	409		
307	A bill to provide for the relief of persons, or the heirs or assigns of persons who have made entries of lands belonging to the United States as swamp lands belonging to the State, in cases where they have not been confirmed as such, or where otherwise the State was incompetent to make a good title, and who have paid the price thereof to officers of the State authorized to receive the same.....	358		403, 435, 484			
308	An act to amend the 8th and 45th sections of an act entitled "an act to reduce the law incorporating the city of Madison, and the several acts amendatory thereto, into one act, and to amend the same," approved February 14, 1848.....	381	Wright.....	403, 411, 412	443		
309	An act to amend sections one and two of an act entitled "an act to enable the owners of wet lands to drain and reclaim them, when the same cannot be done without affecting the lands of others," approved March 7, 1863.....	381	Allison.....	441, 469, 511	511		
310	An act to legalize sales by deputy sheriffs of real estate under execution, or by order of the Circuit Court, or Court of Common Pleas, and to render valid the deeds made by said deputies in pursuance of such sales.....	381	McClurg.....	403, 412, 448	449		
311	An act to amend the title of an act entitled "an act concerning licenses to vend foreign merchandise, exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, so as to embrace the subject of said bill, and matters properly connected therewith,".....	381	Wright.....	404, 451, 456	457		
312	An act to provide for the erection and maintenance of Houses of Refuge, or Schools of Reform, by counties and incorporated cities, and for the confinement and detention therein of prostitutes and females given to habitual intoxication, and also of minors convicted of felonies and misdemeanors.....	382	Cason.....	448	448		
313	An act to amend the first and fourth sections of an act entitled "an act to reorganize the Evansville Insurance Company, chartered under the several acts of February 8, 1838, and January 21, 1850,".....	404	Thompson.....	443	444	584	607
		419	Finch.....	444	445	592	

BILLS OF THE SENATE—Continued.

659

Special Session.	Regular Session.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Passed Senate.	Passed House.	Governor Signed.	Speaker Signed.
314		An act to authorize the Board of Sinking Fund Commissioners to invest any moneys belonging to said fund, in the Indiana State bonds or stocks, or in United States stocks, and, when invested in Indiana State bonds or stocks, to provide for the cancellation of such bonds or stocks, and for the issuing of new non-negotiable bonds for the benefit of the School Fund.....	441						
315		An act in relation to crimes and punishments.....	451	Cobb.....	445, 446, 571, 572	447	540	607	578
316		A bill providing for the more secure and less expensive accommodations for the officers of State and Judges of the Supreme Court; for procuring the means therefor by loan of the Sinking Fund and effecting a sale of the State Treasury lot towards reimbursing such loan.....	474	Niles.....	495	456			
103		An act repealing all general laws now in force for the incorporation of cities, providing for the incorporation of cities, prescribing their powers, rights and duties, and the matter in which they shall exercise the same, and regulating other matters properly connected therewith, and repealing certain acts therein specified.....			475, 478, 504, 505				
317		An act to legalize bonds issued by Boards of County Commissioners to drafted men who entered into or procured substitutes to enter the military service of the United States.....	494	Gifford.....	491, 493		510	605	583
114		An act to amend section 38 of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852.....			526, 552, 572				
93		A bill defining certain felonies, and prescribing punishment therefor.....		Cobb.....	578		578	605	583
				Hord.....	574, 575, 589			607	601

JOINT RESOLUTIONS OF THE SENATE.

653

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon	Adopted.
9	Instructing our Senators and requesting our Representatives in Congress to labor to increase the pay of soldiers.		Barker.....	262	
14	Concerning the exchange of Indiana officers and soldiers, held as prisoners in southern prisons.....		Hord.....	262	
15	Requesting our Senators and Representatives in Congress to adopt some more efficient mode of adjusting soldiers' claims.....		Bonham.....	262, 314	314
19	Instructing our Senators and requesting our Representatives in Congress to favor an amendment to the conscription law, so as to require \$800 to be paid by conscientious exempts.....		Marshall.....	262	
22	Declaring in what manner the acts of the present General Assembly shall be published and circulated in the various counties.....	327	Bennett.....	489	
23	For the amendment of section 9, article 4, of the Constitution, so as to provide for annual sessions of the Legislature.....	336	Brown of Wells.....	383	
18	On the subject of Federal relations.....	690	Brown of Wells.....		
20	On the subject of a ship canal around the Falls of Niagara.....	57	Cobb.....	610	

CONCURRENT RESOLUTIONS OF THE SENATE, SPECIAL SESSION.

TITLES.

	Introduced.	By what Senator.	Proceedings thereon.	Adopted.
Resolutions of the Senate, in the expression of sympathy for the Governor in his affliction, and expressing the hope of his speedy recovery.....	82			
Requiring the Auditor and Treasurer of the Terre Haute Railroad Co. to report to this session of the Legislature.	110			
Relating to the procuring of buildings suitable for State offices.....	198	Corbin.....	111, 315, 384, 579	579
Instructing our Senators and requesting our Representatives in Congress to favor the use of such means as will resist the interposition of any Trans-Atlantic power in the affairs of any government on this Hemisphere, and that copies of the preamble and resolutions, over the signatures of the principal officers of the General Assembly, be sent to our Senators and Representatives by His Excellency, the Governor.	383	Brown of W.....		
<i>Resolved by the Senate, (the House of Representatives concurring.)</i> That the Secretary of State is hereby authorized to have 10,000 copies of the road law printed in pamphlet form, and distributed to the counties in proportion to their population, for the benefit of supervisors for road districts.....	601	Wright.....		
That a committee of two on the part of the Senate, and three on the part of the House, be appointed to await on His Excellency, the Governor, and ascertain of him whether he has any further business to present to this General Assembly.....	612	Bennett.....	612, 613	614
<i>Resolved by the Senate, (the House concurring.)</i> That the General Assembly adjourn <i>sine die</i>	614	Bennett.....	614	614

BILLS OF THE HOUSE, SPECIAL SESSION.

655

Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Passed House.	Speaker signed.
22	A bill to legalize the sale of certain school lands in Lake county.	65	182, 257, 352, 400	461	495	
21	A bill to amend the 22d section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 4, 1862.	64	177, 181, 460	460	495	
59	A bill to authorize railroad companies to occupy and use for railroad purposes the property of canal companies, with their consent, and to secure them in such occupation, and for the protection of the hydraulic powers of each canal; and to authorize the lessees of the water privileges in said canal to organize a company, or companies, for the maintenance thereof, in case of the failure of said canal company to maintain the same.	59	59, 60	60		
79	A bill to amend an act entitled "an act providing for the election and appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.	73	73, 128, 130, 131, 496, 466	467	510	557
43	An act to repeal an act entitled "an act to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.	74	74, 122, 123, 187	187	217	
121	A bill to amend section 30 of "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.	74	257, 352			
147	A bill to amend section 6 of an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852.	69	182, 257, 363			
126	A bill to amend section 5 of an act entitled "an act to authorize the construction of levees and drains, approved June 12, 1852.	69				
88	A bill authorizing certain corporations therein named to change their corporate names.	69	182, 257, 354, 531	532	573	
106	A bill authorizing the construction of warehouses for the inspection, storage and sale of tobacco.	69	182, 257, 321, 527	327		
153	A bill ratifying the action of the Governor in procuring an advance of two hundred and fifty thousand dollars for the preparation of troops for the service of the United States, and directing him to pay the unexpended balance into the treasury.	69	182, 257, 321, 321	325	351	
12	A bill to amend the first section of an act entitled "an act for the protection of religious meetings, agricultural fairs, and other lawful assemblages of the people," approved March 3, 1859.	87		186	216	
27	An act to legalize the acknowledgment of all deeds, mortgages and other instruments, registered to be recorded, taken and certified by notaries public, who took and certified such acknowledgments after the expiration of their commissions.	87	114, 115, 185, 196			
29	An act to amend section 16 of an act entitled "an act concerning inclosures, trespassing animals, and partition fences."	88	88, 120, 121, 186, 216	186	216	
32	A bill to provide for taking the depositions, affidavits and acknowledgments of persons in the military or naval service of the United States, and for administering oaths to such persons.	88	226, 461	461	495	
52	A bill to render uniform the assessment of personal property in the several townships of the different counties.	88	88, 116 191, 192, 462	462	495	

BILLS OF THE HOUSE—Continued.

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Number.	TITLES.	Reported from House.	Proceedings thereon.	Passed Senate.	Passed House.	Speaker Signed.
53	A bill to amend section 14 of an act entitled "an act to provide for the uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws in conflict with this act," approved February 18, 1859.....	88	202, 462	463	495	
57	A bill to amend section 784 of the practice act.....	88	88, 136			
58	A bill to amend the 5th and 6th sections of an act regulating interest of money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852; the 51st section of the act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852; and all other laws and parts of laws in conflict with this act, approved March 7, 1861.....	88	88, 89, 113, 163	464	495	
62	A bill empowering incorporated cities and towns to plant and maintain shade trees along the streets, alleys, public squares and commons thereof, and to provide for the protection of the same at the expense of the adjoining property holders.....	89	248, 464, 554	464	549	
64	A bill to amend the 406th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,".....	89	89, 120, 464, 554	465	539	
67	A bill to entitle attorneys to hold liens on judgments.....	89	121, 465	466	539	
68	A bill authorizing Boards of County Commissioners in this State to make donations and receive subscriptions for the purpose of erecting a monument to the memory of those from their several counties who have lost their lives in the war for the restoration of the Union.....	89	555	556	578	
75	A bill to empower railroads to construct branches to neighboring coal mines.....	89	319, 466	466	495	
78	A bill to provide for the sale of lands belonging to the State of Indiana, in the counties of Jasper and Newton and to give pre-emption to actual settlers thereon.....	90	202, 307	307	351	549
119	A bill to establish and create a State Normal School, and matters connected therewith.....	90	211, 215, 216, 217, 431, 579	433	497	
137	A bill providing for voting by electors of the States absent in the military or naval service of the United States, or in consequence thereof, directing the methods by which it shall be done, and prescribing punishments for violating any of the rights or privileges secured by this act.....	90				
149	An act to provide for the distribution of the interest on the School, Sinking and Trust Funds of this State, held for the support of common schools, to repeal all laws in conflict therewith, and declaring an emergency.....	90				
121	A bill to cure defective acknowledgments of deeds in certain cases.....	94	182, 257, 268	90	102	
145	An act to amend the 631st section of the act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform manner, without distinction between law and equity," passed June 18, 1852.....	94		528	94	561
		94	182, 257, 268, 478, 592	593	609	609

185	A bill declaring the laws now in force sufficient to authorize the payment of the semi-annual installments of interest on the public debt, authorizing the payment thereof as the same may become due, declaring specific appropriations therefor unnecessary, and providing for the punishment of any violation of the requirements of said act.....	91	184, 258, 368, 369, 529, 530		
129	A bill to amend the ninth section of an act entitled "an act to enforce the Thirteenth Article of the Constitution," approved June 18, 1852.....	120			
55	A bill authorizing persons therein named to dig a canal from the Calumet river to Lake Michigan, for the purpose of draining a portion of the swamp lands of Lake and Porter counties.....	169			
63	An act relating to corporations for mechanical, manufacturing, mining and quarrying purposes.....	169	211, 400		
187	An act authorizing and requiring the Commissioners of the State Debt Sinking Fund to make settlements with the Sinking Fund Commissioners for \$122,000, war loan bonds purchased by Sinking Fund Commissioners with moneys belonging to the Common School Fund; also, the sum of \$164,000, belonging to the Common School Fund, advanced by the Sinking Fund to pay the interest on the State debt; also, the sum of \$53,536.00, Saline Fund, and \$ 2,937, Bank Tax Fund; directing the transfer to the Common School Fund of the State of Indiana, of so much of the two and one-half and five per cent. certificates of the stocks of the State, as will, at the price paid for the same, amount to the aggregate of the sums mentioned in this act; authorizing and directing the proper officers of State to issue a bond of the State for the amount thereof, bearing six per cent. interest, payable semi-annually, and principal, payable and redeemable at the pleasure of the State; directing the Treasurer of State to pass to the credit of the General Fund the several amounts herein specified, and declaring that an emergency exists for the immediate taking effect of this act.....	160	161, 218, 219, 598	591	
71	A bill to increase the powers of the Board of Sinking Fund Commissioners, and to authorize said Board to loan any moneys belonging to said fund in Indiana State bonds or stocks, and providing for the cancelling of such bonds or stocks, and the re-issuing of non-negotiable bonds or stocks, payable to said funds.....	173			
121	An act amending section 30 of "an act regulating fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.....	182	528	529	518
111	A bill to enable the Board of Directors of any incorporated turnpike company, to change the time of holding the election of directors.....	189	253, 262, 321, 322, 360	365	377
210	A bill to fix the time of holding the Court of Common Pleas in the county of Grant, and repealing all laws inconsistent herewith.....	189	253, 262, 339	530	189
82	A bill concerning the creation of corporations for the purpose of maintaining high schools within the State, and giving the requisite powers to such corporations.....	199	553, 261, 319, 503	501	199
212	A bill to legalize the appraisement of real estate, made under the provisions of the act entitled "an act to provide for the appraisement of the real estate, and prescribing the duties of officers in relation thereto," approved December 21, 1858, and the assessment and levy of taxes, made and to be made hereafter, on such appraisement.....	199	255, 262, 318, 355	356	363
81	A bill to legalize the action of the Board of County Commissioners of Vermillion county, and of the District and State Boards of Equalization, in adopting the appraisement of real estate of 1859, as the basis for the assessment of taxes for the year 1864, and each year thereafter, until a new appraisement shall be made.....	269	526	527	567
47	An act increasing the powers of the Board of Sinking Fund Commissioners, and authorizing said Board to invest any moneys belonging to said fund, in Indiana State bonds or stocks, and providing for the cancelling of such bonds or stocks, and the re-issuing of non-negotiable bonds or stocks, payable to the School Fund.....	219	220, 221, 222, 223, 227, 228, 229, 230, 231, 325, 326	328	377
177	A bill to amend section 143 of an act amendatory of "an act to provide for the publication of delinquent taxes," approved May 31, 1861.....	236	257, 262, 281, 322, 362	364	377
73	A bill to amend the eighth section of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.....	239	256, 261, 463	462	496

BILLS OF THE HOUSE—Continued.

Number.	TITLES:	Introduced.	Proceedings thereon.	Passed Senate.	Passed House.	Speaker Signed.
156	A bill to provide for the appraisement for taxation, of property of railroad companies within this State...	246	329, 330, 331, 333, 349, 359, 436	351	470	470
270	A bill fixing the <i>per diem</i> and mileage of members of the General Assembly, secretaries, clerks, doorkeepers, and employees thereof.....	272	273, 425, 426, 436, 511, 554, 573, 609	436	272	573
113	An act to amend section 143 of an act entitled "an act to provide for the publication of delinquent taxes," approved March 31, 1854.....	281				
25	A bill to repeal an act entitled "an act to prohibit the evidence of Indians, and persons having one-eighth or more of negro blood, in all cases where white persons are parties to interest," approved February 14, 185 , and so much of all other laws as to render persons incompetent as witnesses on account of their color.....	313	439, 454, 531		313	495
279	A bill to authorize manufacturing companies to erect a dam across the St. Joseph river, in Elkhardt county.	313	458, 453, 468, 472	473	313	
29	A bill to amend the eighth section of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws transgressing the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1855.....	318				
125	A bill to amend sections 1 and 2 of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855.	323	397, 328, 351, 366, 367, 889, 390, 391, 392, 394, 395, 425	396	325	470
277	A bill to amend sections two and five of an act entitled "an act providing for the organization of circuit courts, the election of judges thereof, and defining their powers and duties," approved June 1, 1852, and providing for criminal and civil circuit courts.....	363	438, 454, 485, 510, 583	550	403	592
278	A bill creating the Sixteenth Judicial Circuit, and providing for the election of a Judge and Prosecuting Attorney thereof, and declaring its jurisdiction, and providing for a transfer of actions thereto.....	363	438, 453, 486, 549, 550, 573	551	363	592
279	A bill to amend sections nine and ten of an act entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions,".....	363	438, 454, 489, 549	551	363	587
280	A bill to amend section 14 of an act entitled "an act to limit the grand jurors, and to point out the mode of their selection; defining their jurisdiction, and repealing all laws inconsistent therewith," approved March 4, 185.....	363	438, 439, 454, 485, 549, 571, 573	552	363	587
300	A bill to amend section 19 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.....	363	438, 439, 454	363		
86	An act giving the consent of the State of Indiana to, and authorizing the digging and constructing of a ditch or canal from the Little Calumet river to the Grand Calumet river, both in Lake county, in this State, and requiring the Attorney General to defend such suits or actions at law as may be brought against the parties who may be prosecuting said works.....					
225	A bill to provide a State Debt Sinking Fund, for the payment and interest on, the War Loan Bonds, and prescribing the duties of Auditor, Treasurer and Agent of State in relation thereto.....	371	439, 452, 532 [507, 568, 569, 581 518, 575, 591, 592, 663, 504, 505, 566, 378, 379, 381, 396, 399, 400, 410, 418,	533	371	561
		376		419	377	601

206	A bill to amend section 7 of an act entitled "an act to provide for the erection and repair of bridges, and to repeal an act entitled 'an act to provide for the erection and repair of bridges,'" approved May 12, 1855	470	515, 579, 580	470
238	A bill to authorize foreign guardians to take possession of personal property of their wards, and receive and receipt for moneys belonging to their said wards, in this State, and sue for and recover such property or money in the courts of this State	471	517, 522	471
241	A bill to enable common carriers to dispose of unclaimed freight and baggage	471	516, 520, 577, 579, 583	471
253	A bill to amend the eighth section of an act entitled "an act to fix the time of holding the Common Pleas courts in the several counties in this State, the duration of the term thereof, and making all process from the present Common Pleas courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1839, and which eighth section was amended and approved March 11, 1861	471	513, 525, 513	471
244	A bill to repeal an act to ascertain the amount of the fees and salaries of the Clerks of the Supreme Court and Common Pleas Courts of this State; of the Sheriff of the Supreme Court, and of the various counties in this State; of county auditors and prosecuting attorneys, and to provide punishment for a violation of its provisions, approved June 3, 1861	471	516, 523, 522, 517	471
251	A bill to amend sections 5, 14 and 17, of an act entitled "an act incorporating the town of Huntington," approved February 16, 1865	413	440, 453, 512	413
117	A bill to amend sections 39, 42, 45 and 54, of an act entitled "an act for the incorporation of insurance companies, defining their powers and prescribing their duties," approved June 17, 1852	413	440, 452, 453, 527	413
41	A bill to legalize sales by guardians under orders defective in not prescribing notice	413	439, 451	413
237	A bill to amend section 35 of "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and prescribing the fees for certain officers therein named, and for the establishment and regulation of township Libraries, and to repeal all laws inconsistent therewith, and providing penalties therein prescribed," approved March 6, 1865	413	440, 453, 535, 581	413
239	A bill to legalize the official acts of certain officials therein named, and the acts of their deputies as such, while the principals were performing military service in the army of the United States	425	440, 451, 496, 581	425
123	A bill to declare forfeited the right of way of certain railroad companies to branch roads, no part of which has been completed, and upon which no work has been done for ten years, and declaring that the right of way aforesaid, shall revert to the land owners along the route thereof	432	437, 529, 531, 539, 599	432
184	A bill to amend an act regulating the fees of officers, and repealing former acts in relation thereto	432	439, 452, 490	432
231	A bill to protect lawful public notices, and prescribing a penalty for injuries thereto	432	440, 452, 533	432
229	A bill to amend the 14th section of an act entitled "an act to limit the number of grand jurors, and to point out the mode of their selection; defining their jurisdiction, and repealing all laws inconsistent therewith," so as to give the grand jury concurrent jurisdiction with the Courts of Common Pleas, and justices of the peace of misdemeanors, except in cases where the fine cannot exceed three dollars	432	440, 452, 451	432
294	A bill providing for securing to the common school fund sums forfeited on recognizances, and fixing the mode for declaring their forfeiture	432	440, 454, 457, 488	432
95	A bill to enable railroads to make local alterations in their lines, in certain cases	432	438, 452, 480, 575	432
313	A bill to abolish the office of President and Commissioners of the Sinking Fund, and the management thereof; providing for the investment of the Sinking Fund in the stocks of the State, the execution of non-negotiable bonds in certain cases, and for the distribution of interest accruing to said Sinking Fund, and declaring an emergency	432	441, 451, 493, 494	432
196	A bill to extend the time allowed by law for the completion of gravel roads for the term of one year, in cases therein specified	432	439, 453	432
189	A bill to amend section 52 of an act entitled "an act to amend an act to authorize and regulate the business of general banking"	441	449, 452, 510	441
	An act to amend the 14th section of an act entitled "an act to limit the number of grand jurors, and to point out the mode of their selection, defining their jurisdiction, &c."	407		407

BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Reported from House.	Proceedings thereon.		Passed Senate.	Passed House.	Speaker Signed.
276	A bill to authorize county auditors to issue fee bills for the collection of costs accrued before Boards of County Commissioners.....	471	519, 524, 525, 547, 573-515, 575	547 576	471 471	573 592	
164	A bill to provide for locating and working highways situated upon, contiguous to, or near by county lines.....	471					
240	A bill to relieve county auditors, treasurers, township trustees, assessors, and other officers, in certain cases, for the year 1865, from the penalties attached for the violation of an act entitled "an act to discourage the keeping of useless and sheep-killing dogs, &c.," approved March 2, 1863, and declaring an emergency.....	471	517, 522, 523, 546		471		
263	A bill to provide by law to prevent conductors running railroad trains from obstructing any public highway or street to the hindrance of travel, and prescribing penalties therefor.....	471	518, 524, 538	539	585		
256	A bill for incorporating hydraulic companies, and defining their powers and duties.....	505	507, 543	544	505	578	
329	A bill making general appropriations for the year one thousand eight hundred and sixty-six, repealing certain sections of an act therein named, and declaring an emergency.....	509	520, 525, 526, 574, 583, 586, 587	588	600		
255	A bill supplemental to an act entitled "an act for the incorporation of insurance companies, defining their powers, and prescribing their duties," approved March 17, 1862.....	512	558, 529, 521, 549	549	585		
297	A bill regulating foreign insurance companies doing business in the State, prescribing the duties of the agents thereof, and of the Auditor of State in connection therewith.....	512	515, 520, 5-1, 573, 584	574		604	
328	A bill making specific appropriations for the year 1864, 1863, 1865, and 1866.....	£12	519, 525, 583, 584, 592	585			
23	A bill entitled an act to provide by law for draining and ditching low, wet and overflowed lands in the State of Indiana.....	569			560		
330	A bill to regulate swing bridges across the several canals, feeders and rivers in this State, and prescribing a penalty for injuring the same, or interrupting the free passage thereof, and matters properly connected therewith, and declaring an emergency.....	589		590	609		609

JOINT RESOLUTIONS OF THE HOUSE.

661

Number.	TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Adopted.
11	For the relief of George W. Archer.....	82	Milliken.....	358, 474, 497, 498	475
21	On the subject of State taxation.....	174	Hanna.....	175, 176	241
9	Proposing an amendment to the Constitution of Indiana, by striking out the 13th section Instructing Senators and requesting Representatives to secure a modification of the act approved April 19, 1816, appropriating the 14th section for school purposes.....			274	
1	Proposing an amendment to the Constitution of Indiana, by striking out the Thirteenth Article... Appointing a committee of three, on the part of the House, to act with a like committee on the part of the Senate, in relation to the printing of the Adjutant General's Report.	244 256		261, 316, 318	
20	Engrossed joint resolution instructing our Senators and requesting our Representatives in Congress to secure the passage of a law giving to officers and soldiers of the rebellion equality of bounty and pay, according to length of time served, and granting pensions to soldiers of the war of 1812, who have remained loyal to the country.....	376			
		472		514	514

CONCURRENT RESOLUTIONS OF THE HOUSE, SPECIAL SESSION.

TITLES.	Introduced.	Proceedings thereon.	Adopted.
Instructing the Senators and requesting Representatives to use their influence to procure such amendment to the Constitution of the United States, as to require representation in Congress to be apportioned according to the number of male inhabitants over twenty-one years of age.	73		
Referring that portion of the Governor's message that relates to the public debt to a joint committee of both Houses.	78		
Directing the Attorney General to inquire into the validity of certain contracts.	198	251	
That the Joint Committee on Public Buildings be, and they are hereby instructed to confer with the Governor, Adjutant General, Clerk of the Supreme Court, and State Librarian, as to the present plan of guarding the Capitol buildings; what measures should be taken to secure the public records and archives under their charge, and report by bill or otherwise.			
That the Lieutenant Governor, acting as Governor, is hereby authorized to accept from the proper authorities of the United States a transfer of the General Hospital at Jeffersonville, with such equipments thereof as may be included in such transfer, and to receipt therefor in the name of the State of Indiana. <i>Further</i> , That until the State shall, by law, provide for the care and support of such disabled soldiers as may desire the benefit of a soldiers' home, or asylum, the Executive may grant the use of said hospital and its equipments to any private association that will assume the care of such disabled soldiers; and if the Governor cannot make an arrangement with the owners, or lessees of the premises, for the use and occupation of the premises, after the first day of June next, without the State becoming responsible for the rent, then he shall sell, or cause to be removed, the buildings and improvements before the expiration of the lease; the proceeds to be applied by him for the benefit of meritorious wounded and disabled Indiana soldiers, and of which application he shall report to the next session of the General Assembly	333		
Instructing the Governor to appoint three competent persons to investigate the management of the State Prisons, and report to the next session of the General Assembly	610		611
Empowering the Governor to appoint three competent persons the books, papers, archives, and property of the Indiana Historical Society, and preserve the same with the property of the State Library	611		612
Requiring the Governor to appoint a committee of three competent persons to inquire into the conduct of the Sinking Fund Commissioners, and other facts connected with the Sinking Fund of the State	612		612
On the subject of the proposition of Mr. W. R. Holloway to print the Adjutant General's Report	612		612
On the subject of the Government of Mexico	612		612
Concurring with Senate resolution to now adjourn <i>sine die</i> .	612		612

RESOLUTIONS OF THE SENATE, SPECIAL SESSION.

663

TITLES.

Adopted.

Proceedings thereon.

By what Senator.

Introduced.

To proceed to the election of officers.....	4	Cason.....	12, 14, 14, 15	14
To appoint a committee to confirm the appointment of assistants to officers of the Senate.....	4	Bennett.....	4, 5	45
To inform the House that the Senate is ready to receive any communication that His Excellency, the Governor, may wish to make.....	5	Dunning.....	5	6
Authorizing Senators to retain the seats selected by them at the Regular session.....	6	Williams.....	6, 7, 8, 9	
Authorizing the acting doorkeeper to procure the daily city papers for the use of Senators.....	6	Cullen.....	6, 7, 8, 9	
Authorizing the doorkeeper to contract with editors of Journal and Herald.....	6	Bennett.....		
Authorizing the doorkeeper of last session to contract with the publishers of Journal, Herald, Telegraph and Volksblatt.....	7	Brown, of Wells.....	7	
Concurring with House resolution to appoint a committee to select some regular minister of the Gospel to open the session with prayer.....	10	Van Baskirk.....	10	10
Appointing a committee to consider and propose the best plan to supply the Senate with stationery.....	10	Mason.....		
Authorizing the State Librarian to supply the Senate with stationery.....	10	Bennett.....	10, 11	
To select officers for the organization of the Senate.....	12	Brown of Wells.....		
To distribute the offices equally between the two parties.....	12	Brown of Wells.....	13, 12	
Postponing the organization of the Senate.....	13	Cason.....		46
Instructing doorkeeper to furnish each member with a copy of Senate and House journals, and one copy of the acts of last session of General Assembly.....	46	Hanna.....		46
Directing Secretary of the Senate to place on the calendar of this session, all bills and joint resolutions pending at the adjournment of the last session.....	46	Brown of Wells.....	47	47
Appointing a committee upon the subject of enumeration and apportionment of Senators and Representatives.....	47	Cullen.....	47, 18	47
Continuing the committees of last session the standing committees of the present session.....	47	Williams.....	50	49
Authorizing doorkeeper to contract for 165 copies daily, of the Daily Telegraph.....	50	Carson.....	60, 61	51
Restricting the number of assistants to the necessities of business.....	51	Mason.....	54, 55, 57, 58, 59	51
Adopting the rules of last session.....	51	Dunning.....	55, 56, 528, 601	59
Requiring the State Librarian to supply the Senate with stationery.....	54	Brown of Wells.....	57, 6, 67	55
Directing payment to officers of last session for organizing the present General Assembly.....	65	Mason.....	61, 62	
Demanding a speedy trial of Jefferson Davis (rebel).....	55	Dunning.....		
Referring the case of Jeff. Davis to the President.....	56	Bennett.....		
Directing the printing of the Governor's message.....	57	Brown of Wells.....		
Directing the publication of the rules for the use of the Senate.....	61	Reeson.....		67
Directing payment to Thomas D. Moore, for services as assistant doorkeeper, in organizing.....	61	Mason.....		61
Authorizing the President of the Senate, and each Senator, to draw a copy of the Revised Statutes.....	62	Dunning.....	61, 62	62

RESOLUTIONS OF THE SENATE—Continued.

TITLES.		Introduced.	By what Senator.	Proceedings thereon	Adopted.
Instructing the Principal Secretary to hand over all bills and resolutions on file to the committees which had the same under their consideration at the last session.....	62	Cason.....			62
Discontinuing the services of the Reporter to the Senate.....	68	Cobb.....			71
Allowing to Addison M. Elkins four dollars for services rendered at last session.....	70	Mason.....	71		74
Instructing the Committee on the Organization of Courts.....	74	Cason.....			705
Allowing mileage and pay to W. H. Drapier, as Journal Clerk.....	82	Niles.....			106
Directing the Doorkeeper to contract for one copy of Evening Gazette for each Senator.....	104	Dykes.....			106
Instructing Librarian to furnish postage stamps for Senators.....	105	Boulham.....			106
Instructing Judiciary Committee to inquire into the expediency of reducing railroad fares.....	106	Moore.....	257		106
Instructing Judiciary Committee to inquire into the expediency of limiting the number of justices of the peace.....	106	Bonham.....			106
Instructing Finance Committee to inquire and report whether Government bonds are taxed by the State.....	107	Moore.....	107, 108, 109		111
Directing Secretary and Assistant Secretary to draw stationery from Librarian on their own orders.....	111	Bennett.....			121
Authorizing the Librarian to draw on the Auditor for money to purchase postage stamps.....	121	Oyer.....			134
Directing payment to Pat. Brannin for services rendered at regular session.....	134	Callen.....			134
Instructing Finance Committee to amend the law in reference to payments by county treasurers.....	134	Gifford.....			136
Authorizing the Principal and Assistant Secretaries and Doorkeeper of the Senate to draw postage stamps from the Librarian.....	135	Bennett.....	135, 136		135
Directing Doorkeeper of the Senate to furnish Senators with postage stamps.....	135	Richmond.....			
Upon the subject of the National Cemetery at Gettysburg.....	150	Moore.....	151		
That the State Librarian be requested to furnish stationery at the city prices.....	151	Yawter.....	1		
Directing Committee on Finance to investigate claim of George H. Murphy.....	151	Brown of Wells.....			
Appointing a committee of eleven, to be called the Committee on the Agricultural College of the State.....	151	Yawter.....	152		
Authorizing payment to Patrick Brennan for services rendered at regular session.....	152	Staggs.....			
That the Senate, the House concurring, adjourn <i>sine die</i> on the 9th December, at 12 o'clock, M.....	179	Yawter.....			
Referring the Governor's message to appropriate committees.....	183	Cason.....			
Appointing a committee to inquire and report the legislation necessary to enlarge or restrict the rights and privileges of street railroads.....	189	Brown of Wells.....			
Requesting Auditor of State to communicate to Senate the current expenses of the State government for each year, commencing with the fiscal year 1851, and ending with date of his report.....	233	Brown of Wells.....			
Directing Auditor to draw warrant in favor of A. E. W. H. Drapier.....	233	Corbin.....			
Requiring Auditor of State to inform the Senate what amount of revenue, if any, would be jeopardized by the passage of Senate bill, No. 230.....	252	Reeson.....			252

Requesting the Judiciary Committee to inquire into the laws granting changes of venue.....	259	Williams.....	259
Authorizing the Finance Committee to inquire into the propriety of reducing appropriations.....	259	Downey.....	271
Requesting the Governor to report the amount expended of certain funds.....	263	Brown of Wells.....	271
Instructing the Committee on Township Business to inquire what legislation is necessary for the safe keeping of the public county records.....	270	Beecon.....	289
Requesting the Committee on the Agricultural College to report on Friday, the 8th inst.....	271	Williams.....	290
Instructing the Committee on Finance to allow no claim that is not presented ten days before final day of adjournment.....	289	Richmond.....	298
That the Auditor of State report to the Senate whether the \$30,000 appropriation has been drawn from the treasury, and if so, by whose order.....	290	Williams.....	306
Requesting Rev. Mr. Staggs, Senator from Putnam and Clay, to deliver a sermon.....	298	Brown of Wells.....	306
Directing doorkeeper to return two sofas to the Senate chamber.....	306	Chapman.....	307
Requesting Adjutant General to report to Senate, what portion of certain sums of money has been drawn from the treasury, by whom drawn and upon what account.....	306	Cobb.....	317
Instructing Judiciary Committee to report wh their towns or cities may tax fair grounds.....	307	Vawter.....	325
Granting leave of absence on account of sickness only.....	317	Williams.....	329
Requesting Governor and Auditor of State to inform the Senate of the number and holders of war bonds, the conditions contained in said bonds, at what rate sold, and whether the Federal Government assumed the State indebtedness.....	325	Brown of Wells.....	336
Directing doorkeeper to make further search for sofas, not confining himself to the limits of State House.....	329	Brown of Wells.....	336
Instructing our Senators and requesting our Representatives in Congress to labor for the repeal of all laws granting exemption from taxation of Government bonds, coupons, United States notes, checks, stamps, and other representatives of value.....	336	Douglas.....	340
That a copy of the above preamble and resolution, over the signature of the President of the Senate and Speaker of the House, the principal Secretary of the Senate and principal Clerk of the House, be sent to our Senators and Representatives.....	340	Brown of Wells.....	355
Allowing James G. Bryant six dollars and fifty cents for a copy of Cushing's Parliamentary Law, furnished for the use of the President of the Senate, in 1865.....	355	Cason.....	513
Requesting the Auditor of State to report a correct list of claims allowed at the last session and remaining unpaid.....	358	Cason.....	512
Appointing a committee of three, to inquire by what authority the Adjutant General has for the voluminous publications made by him, the cost of the work and also to report to the Senate the name of the person who brought into the Senate chamber the resolution ordering said publication.....	362	Mason.....	366
Rescinding and repealing the resolution adopted at the last regular session authorizing the Attorney General to print twenty-five hundred copies of his report.....	366	Vawter.....	380
Allowing Thomas O. Barbour five dollars per day for three days' service.....	380	Downey.....	389
Requesting the Governor to furnish the Senate with a copy of the letter of Charles Butler to Gov. Morton, on the subject of the State debt.....	389	Barker.....	460
Directing Secretary of the Senate to inform the House that House bill No. 47 was passed by the Senate as it came from the House, without any amendment thereto, and that the Senate regard said bill as having legally passed both branches when it passed the House, and in that form became a law on being signed by the Speaker of the House and President of the Senate, and approved by the Governor.....	468	Richmond.....	465
That the Senate is opposed to taxing white men's property for the education of negro children.....	505	Williams.....	506
That, in the opinion of this Senate, the children of negroes within this State should be educated as the children of Democrats are.....			
Directing the Finance Committee to incorporate in the specific appropriation bill the sum of eight hundred and fifty-nine dollars and eight cents, to be paid to Aquilla Jones for money advanced by him to Governor Willard.....			

RESOLUTIONS OF THE SENATE—Continued.

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TITLES.	Introduced.	By what Senator.	Proceedings thereon.	Adopted.
That A. E. & W. H. Drapier be allowed for Legislative Reports furnished last session.	510	Corbin.....	511	541
Requesting the Rev. David Stevenson to publish the <i>memoranda</i> against the soldiers of Indiana, contained in his statement to Dr. Thompson, concerning the sofas belonging to the Senate Chamber upon the fly-leaf of his book, the "Roll of Honor."	537	Cullen.....	537	554
That the Principal Secretary of the Senate be allowed three dollars per day extra pay for the present session, and instructing Finance Committee to incorporate such allowance in the specific appropriation bill.	541	Williams.....	541	581
That the Senate regards as unjust, unwarranted, and improper, the imputations made by David Stevenson against the soldiers of Indiana, as reported by the Doorkeeper to this body.	554	Vawter.....	554	593
That the Principal Secretary of the Senate be, and he is hereby authorized to employ sufficient enrolling clerks for enrolling Senate bills.	584	Niles.....	584	602
That this General Assembly will, on Friday next, at 10 o'clock, adjourn <i>sine die</i> .	593	Beeson.....	593	602
That the thanks of the Senate are due to B. F. Foster, State Librarian, for the manner in which he has performed his duty in reference to furnishing stationery to the Senate.	600	Bennett.....	600	603
Directing Auditor of State to draw warrant on Treasurer in favor of W. H. Drapier, for mileage and four days' services, at five dollars per day.	602	Bonham.....	602	603
That the thanks of this Senate be, and the same are hereby unanimously tendered to the Hon. Paris C. Dunning, for the able and impartial manner in which he has discharged his duties as President <i>pro tem</i> of the Senate.	602	Vawter.....	602	603
That the thanks of the Senate be, and the same are hereby unanimously tendered to O. M. Wilson, Principal Secretary of the Senate, and W. A. Scudder, Register Clerk, N. H. Daniels, File and Messenger Clerk, Alex. Wilson, Enrolling Clerk, James B. Black and Jas. Thompson, Engrossing Clerks, (his assistants,) for the able and efficient manner in which they have discharged their duties to the Senate.	603	Cobb.....	603	603
That the thanks of the Senate be, and the same are hereby unanimously tendered to A. P. Newkirk, Assistant Secretary of the Senate, and H. C. Guffin, S. T. Casterline, Lycurgus Dalton and D. H. Olive, Journal Clerks, (his assistants,) for the able and efficient manner in which they have discharged their duties to the Senate.	603	Bennett.....	603	603
That the thanks of the Senate be, and the same are hereby unanimously tendered to S. G. Thompson, Doorkeeper of the Senate, and Jas. Blake, R. W. Matthews, W. M. Casterline, John Justice, J. W. Cole, John Farrar, J. D. Henry, James M. Clements, and John Monroe (his assistants,) for the able and efficient manner in which they have discharged their duties to the Senate.	603	Oyler.....	603	603
That the Auditor of State is hereby directed to draw warrant in favor of W. H. Drapier, for mileage and four days' services, at five dollars a day, for services rendered at the regular session of 1855, and which will include pay for similar services at the close of this session.	604	Cobb.....	604	603

That the Auditor of State shall draw his warrant on the State Treasurer for the sum of two hundred dollars, to be paid to the Principal and Assistant Secretaries of the Senate, as provided in the general appropriation bill, which passed the Senate at the special session of '85, when they shall present to the Auditor the certificate of the State Printer that they have furnished the index of the journal of the present session..... 605

That the State Librarian be instructed to collect and preserve, in some secure place, all the furniture and articles purchased for the use of the Senate, and on hands at the adjournment; and it is made the duty of the Doorkeeper to deliver to the State Librarian the articles contemplated by this resolution, and to take his receipt therefor, specifically describing said articles, and file said receipt in the office of the Auditor of State..... 608

That the State Printer be authorized to bind and send to each member of the Senate, and to the officers and reporters thereof, three copies of the Legislative Brewer Reports; also, two copies each of the Senate and House Documentary Journals, and two copies of the acts of the present session, all to be bound in the full law..... 612

That when the Reports of the Adjutant General, as authorized by this General Assembly, shall be published, it shall be the duty of such officer to send by express, or otherwise, to each Senator his portion of said report..... 612

Cobb.....	605
Bennett.....	609
Oyler.....	612
Moore.....	612



